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May 17, 2019

Delray Beach Police Department
Chief Javaro Sims
300 West Atlantic Ave.
Delray Beach, FL 33444

*** Via Email (sims@mydelraybeach.com) and U.S. Mail ***

Re: DBPD Lt. Nicole Guerriero

Dear Chief Sims,

While preparing the defense for Bethany Guerriero in a restraining order proceeding, as well as the companion criminal case, there are serious issues that have come to the surface which should be investigated by your Department, as well as other entities tasked with oversight of these types of matters. Lt. Nicole Guerriero with the Delray Beach Police Department has alleged that she has been cyber-stalked by her ex-wife, Bethany Guerriero, a fellow officer with the Palm Beach Gardens Police Department. The allegations stretch back to 2017, yet have only become important for Lt. Guerriero to act upon now. Lt. Guerriero is not now, nor was she ever, a victim of stalking at the hands of Bethany Guerriero. Lt. Nicole Guerriero has involved herself with Bethany when the relationship suits her purposes, her needs, or her personal agenda.

The investigation conducted thus far indicates that Nicole Guerriero proceeded in a manner which suggests she improperly abused her power in the context of the criminal and restraining order cases. The information gleaned also reveals troubling professional and ethical lapses, and potentially criminal conduct, in other areas that likewise deserves immediate action by Delray Beach and other oversight entities like FDLE.

First, the City of Delray Beach and the State Attorney's Office should investigate whether DBPD Lt. Nicole Guerriero made perjurious statements. On December 3, 2018, Lt. Guerriero prepared a Domestic Partnership Agreement between herself and an individual named Charles A. Navarro. The document states the following:

We swear or affirm under penalty of perjury that:

1. We are residents of Palm Beach County;
2. We are both at least eighteen (18) years old and competent to contract;
3. We are not married to each other or anyone else;
4. **We are the sole domestic partner of the other person;**
5. We are not related to the other by blood;

6. We consent to the domestic partnership relationship without force, duress or fraud;
7. **We agree to be jointly responsible for each other's basic food, shelter, common necessities of life and welfare;**
8. We have not been a member of another domestic partnership for the past year;
9. **We share our primary residence with each other;**
10. **We consider ourselves to be a member of the immediate family of each other;**
11. **We share financial responsibilities as domestic partners; and that**
12. The name and mailing addresses of each domestic partners are:

In the signature section of the document, there is the following statement:

Acknowledgement:

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for making a false statement includes fines and/or imprisonment.

The document was signed by both Nicole Guerriero and Charles A. Navarro. The document was notarized by Beatrice Screciu, a Delray Beach Police Department employee. Following the document being notarized, it was then filed with the Palm Beach County Clerk of Court. A certified copy of this document is attached for your review (**See Attachment A**).

On April 18, 2019, Robert T. Johnson was interviewed by a Private Investigator regarding his knowledge of Charles A. Navarro. Mr. Johnson resides at 3822 Bluebell Street, Palm Beach Gardens, Florida 33410. He indicated that he is the father of Amy E. Johnson, the long-time girlfriend of Charles Navarro. He indicated that Amy E. Johnson and Charles A. Navarro have been in a serious relationship for more than ten years. Although he did not know the exact address, Robert T. Johnson indicated that Amy E. Johnson and Charles A. Navarro live together somewhere off of Okeechobee Boulevard in West Palm Beach, Florida.

On April 30, 2019, Lt. Guerriero was deposed regarding her allegations in the TRO proceeding. Under oath, Lt. Guerriero testified that she has never lived with Charles A. Navarro, nor was she in a relationship with Charles A. Navarro. The following is the exchange with Lt. Guerriero:

Deposition at Page 52 (See Attachment B, Deposition of Nicole Guerriero 4/30/19):

Q. Who's Charlie?

A. Navarro.

Q. Who's Charlie Navarro?

A. Another friend.

Q. Okay. Has he ever lived at your home?

A. No.

Q. Never been a resident at your address?

A. No.

Q. Was he a boyfriend of yours?

A. In the past, yes.

Q. From what time period to what time period?

A. When I was in my late twenties.

Q. Okay. When did you break that relationship off?

A. I don't know the date. I was –

Q. Were you in your thirties or in your twenties when you ended the relationship with him?

A. In my thirties.

Q. How old are you now?

A. 45.

Q. Okay. So in the time period that we're talking about, either when you met Bethany or through divorce and post divorce, your testimony is you have not been in a relationship with Charlie Navarro?

A. Correct.

Page 61:

Q. Okay. And it's your testimony you didn't have a sexual relationship with Charlie since your twenties or maybe your thirties?

A. There was one instance between Charlie and I, but we were not dating. We were not in a relationship.

Q. And when was that?

A. In -- you know what, I'm not -- I'm not even comfortable. I don't see the relevance to it. So I'm not comfortable answering that question.

Q. Well, was it recent?

A. I'm not comfortable answering that question.

A review of Charles A. Navarro's Florida Driver's License records indicates that Navarro did in fact change the address on his Florida Driver's License to reflect the same address as Lt. Guerriero's home address. One of the requirements on the Domestic Partnership

form requires both parties to have the same address on their Driver's License. In addition, Navarro changed the address on his Florida vehicle registration to reflect the same address as Lt. Guerriero.

A review of Amy E. Johnson's Florida vehicle registration indicates that her vehicle is registered at 1314 Stoneway Lane, West Palm Beach, Florida, 33417. A review of Palm Beach County Property Appraiser records indicates the owner of this residence is Charles A. Navarro. The mailing address on record for the property is the same as the residence. Both Johnson and Navarro's vehicles have been observed at the residence.

Lt. Guerriero prepared, executed, and filed a Domestic Partnership Agreement with the Palm Beach County Clerk of the Court when she was clearly not in a domestic relationship with Mr. Navarro. Domestic Partnership Agreements have been known to be abused so that parties can gain health insurance, or other benefits, from one partner's employer – in this instance, potentially the City of Delray Beach.

Lt. Guerriero and Mr. Navarro went to great lengths to create this agreement, as well as other documents and forms of identification, in an effort to substantiate the claim that they "are the sole domestic partner of the other person," when it does not appear as if this is the case. The Delray Beach Police Department, the City of Delray Beach, and the State Attorney's Office should investigate if both Lt. Guerriero and Mr. Navarro falsified documents and perjured themselves in a public corruption scheme. Notably, when questioned under oath if she and Navarro had bank accounts or other financial accounts together, Lt. Guerriero refused to answer any more questions. The following is the exchange during Lt. Guerriero's deposition regarding if she had any bank accounts or credit cards with Charles Navarro:

Deposition at Page 70 (Attachment B):

Q. Did you ever have a credit card or a bank account with Charlie Navarro in the past five years?

A. I'm not comfortable answering that question. I don't see the relevance.

Q. You can object or answer the question. Have you ever had a credit card or a bank account with Charlie Navarro in the past five years?

A. I don't feel comfortable answering that question.

Q. You don't have a choice but to answer the question.

A. Certify it. I do have a choice. Certify it. If the judge directs me to answer the question, I'll answer it.

MS. REID: Is there a particular reason your fearful you don't want to answer it?

MS. KING: I'm not asking for account numbers or –

THE WITNESS: I don't see what the relevance is as far as what -- why she would have to know.

MS. REID: Okay.

THE WITNESS: Can we -- would it be okay to take a break anyway?

MS. REID: Sure.

In addition to the discovery of the false Domestic Partnership agreement, several Fla. Chapt. 119 Requests were made to the Delray Beach Police Department regarding records of Lt. Guerriero. During a review of the produced documents, text messages of Lt. Guerriero surfaced which raise other concerns.

One text message, dated, April 24, 2017, referred to a party attended by a number of Delray Beach Police Department personnel. The message, sent by Lt. Guerriero to Bethany Guerriero, contained the following statement: *"A bunch of us went to Andy's house & Ghost bit Dani on the forehead."* "Andy" is Andy Mintus, a K-9 handler for Delray Beach Police Department. "Ghost" is Officer Mintus' K-9, and "Dani" refers to Dani Moschella, the Public Information Officer for the Delray Beach Police Department.

On April 25, 2017, Lt. Guerriero received the following text: "How's Dani's head?" To which Lt. Guerriero responded to Bethany: "Sore."

During the April 30, 2019, deposition of Lt. Guerriero, she confirmed she attended a party at K-9 Officer Andy Mintus' residence sometime during April or May 2017, and that Dani Moschella was at the party as well. (**See Attachment B, Pages 93-94**).

A review of Delray Beach Police Department General Orders indicates the following points regarding Canine Operations:

- 1.7 Immediate notification of the Community Patrol Division Commander and Canine Unit Supervisor will be made under the following circumstances:
 - b. Injury to any suspect or civilian incurred by a Department canine member.
- 4.2 Canines
 - b. Maintain direct supervision and control over their assigned canine while on and off duty.
- 7.4 Canine Bites
 - a. Whenever a canine bites an individual, whether or not it is in the line of duty, the canine officer shall:
 1. Summon a supervisor to the scene.
 2. Examine the affected area to determine the seriousness of the bite or injury.

3. Obtain medical treatment for the person. Medical personnel should examine the affected area irrespective of the perceived seriousness of the bite or injury.
4. Ensure that digital photographs are taken of the suspect(s) and affected area.
5. Notify the Canine Unit Supervisor on all canine bites.

A Fla. Chapt. 119 Request has been made for all documents regarding this incident, but through information and belief, it appears the incident at the party was not properly reported, no medical personnel were dispatched to the scene, and it is not yet known whether Dani Moschella claimed sick time as a result of her injuries. Copies of the text messages have been attached for your review **(See Attachment C)**.

Lt. Guerriero was an Executive for the Delray Beach Police Department and therefore well aware of the policies regarding Canine Operations. She is also in a position of authority, power, and control; a position the evidence demonstrates she abused in order to settle a drama-filled score against her ex-wife.

The investigation into the TRO and criminal cases reveals extraordinary effort and expense by Officer Stephanie Baker at the direction of Lt. Nicole Guerriero. Baker contends she spent an estimated 3 months' time simply documenting her colleague's claims that she was the victim of a Second Degree Misdemeanor. These efforts lack credibility because of the flawed and tainted investigation, tactics which shake public confidence in the DBPD and create questions about financial mismanagement.

The evidence will show that Lt. Guerriero used her position in the Department to wage a personal vendetta against her ex-spouse which is neither supported by the facts, nor the law. The motivation for the ultimate directive by Nicole Guerriero to have her ex-wife arrested, by her own police department, **two years after the initial report was drafted**, was a simple question mandated by the terms of the couple's Marital Settlement Agreement. The trigger was Bethany Guerriero asking DBPD Lt. Guerriero where she was taking their daughter on vacation in **March 2019**. Nicole Guerriero then orchestrated the "re-investigation" of an old 2017 report (which was intentionally concealed from Bethany; it was never revealed during the pendency of their divorce, nor was Bethany ever contacted during the investigation to give a statement).¹

¹ Lt. Guerriero enlisted her good friend and colleague, DBPD Officer Stephanie Baker, in the effort to have Bethany Guerriero arrested and to keep the report from being known to Bethany. Lt. Guerriero pulled the report "off the shelf" and then sought a year and a half later to invoke police arrest powers against her ex. The text messages collected by Baker are not even recent (they end on January 10, 2019), indicating there is no imminent threat and no basis for an arrest or a TRO.

It appears as if the TRO and arrest came about because the question pertaining to their daughter would have forced Lt. Guerriero to reveal that she was taking their daughter to the home of Monroe County Assistant State Attorney Colleen Dunne. Lt. Guerriero's plan was to take the couple's newly-adopted daughter to Key West to spend Spring Break with Dunne. The fact of her connection to Dunne, or the nature of their relationship, was not important, nor newsworthy – except Lt. Guerriero clearly did not want this information to come out. In fact, based on recent deposition questions, Lt. Nicole Guerriero and Colleen Dunne still do not want this to be revealed, and their answers are vague and evasive on the topic **(See Attachments B and D, Depositions of Nicole Guerriero and Colleen Dunne)**. In fact, Colleen Dunne was the lead prosecutor in the on-going criminal case involving the death of Delray Beach Police Department colleague, Christine Braswell.

Despite her claims otherwise, Lt. Guerriero's involvement in the vehicular homicide case goes beyond her very close friendship with Officer Braswell. The text messages between Lt. Nicole Guerriero and Bethany Guerriero reveal the toll Braswell's death had on Nicole Guerriero – mentally and emotionally, and apparently serving as the catalyst for the breakup of the couple when Bethany expressed concerns over Nicole's drinking. Lt. Guerriero travelled to Key West during the pendency of the criminal case and presented evidence and other assistance during the case and recent sentencing hearing. The true nature of her relationship with Dunne was not revealed to the defense in that case, the trial court, and most probably, the Delray Beach Police Department.

The secrecy could be attributable to the appearance of impropriety attendant to the situation, whereby there is an active criminal case which could have been jeopardized. Lt. Guerriero's denials about this topic are refuted by the timeline, as well as her reactive conduct in seeking a TRO and an arrest of the one person simply seeking to know where she was taking their daughter: Bethany Guerriero. On March 20, 2019, Officer Baker sent an email to DBPD Assistant Chief Crane-Baker with the following text:

“This is a lot harder then one would think due to not being able to add the 8 pages of text. I was requested to try and have this to the ASA's office by Friday so I have two days to get this knockedout...eeeeekkkk..Can you please take a look and let me know what you think. Steph”

It's unclear what necessitated this emergency response, but based on the following timeline it appears it was all initiated by the request from Bethany regarding an address where her daughter would be staying.

Tuesday, 3/19/2019, Bethany email to Nicole:

Per Article IV section 4.6 I [of the Marital Settlement Agreement] I would appreciate an address of where you will be with K [REDACTED] as your trip will be overnight and out of the county for at least two days. Thank you.

Tuesday, 3/19/2019, 08:01 Nicole responded:

Due to your past behavior and actions, I do not feel safe providing you the address of our whereabouts. We will be staying in Key West for 2 nights and K [REDACTED] will be in my care at all times. She will have her phone at all times and you are free to contact her at any time.

She will be back with me on Friday. If you prefer, I will drop her off to your home when you get done with work so that she does not need to get up early to leave my house.

Tuesday, 3/19/2019, 08:08 Bethany responded:

Per the agreement I need an address and if it's not provided, I will have my attorney immediately file for a violation in said agreement.

Tuesday, 3/19/2019, 08:33

Officer Baker prepares a supplement to Report Number 17-014767 regarding text messages. Due to the length of the report it appears it was cut and pasted into the report that morning.

Tuesday, 3/19/2019, 08:49

A print stamp indicates Officer Baker prints the 17-014767 Supplemental Report marked at the top "NOT SUPERVISOR APPROVED." The Supervisor Review Date/Time section contains the language "NOT REVIEWED." This document was later provided to Lt. Guerriero to include on her TRO request.

Tuesday, 3/19/2019, 08:53

Officer Baker prints the remainder of Report 17-014767. These documents are also provided to Lt. Guerriero and later included in the TRO request.

Tuesday, 3/19/2019

Correspondence marked urgent from family lawyer Brittani Gross with the Law Firm of Charles D. Jamieson, P.A., is emailed to Lt. Nicole Guerriero (**See Attachment E**). This legal correspondence serves as notice to Nicole Guerriero that she is in non-compliance with the Parenting Plan of the Marital Settlement Agreement regarding "Informed Whereabouts of the Minor Child." The document concludes by indicating the law firm would immediately pursue contempt and enforcement proceedings, sanctions, and attorney's fees if Nicole Guerriero did not immediately comply with the Parenting Order.

Tuesday, 3/19/2019, 15:03

Lt. Guerriero files a TRO Petition with the Palm Beach County Clerk of Court, attaching the above documents obtained from Officer Baker.

Tuesday, 3/19/2019, 16:27

A TRO is issued against Bethany Fedorenchik Guerriero.

Tuesday, 3/19/2019, 21:11

Nicole Guerriero emails Bethany's attorney, Brittani Gross with the Law Firm of Charles D. Jamieson, P.A., and indicates: *"Bethany was served with a restraining order this evening. I believe this will create some ambiguity as to how the exchanges of our daughter will occur moving forward..."* (**See Attachment F**).

Wednesday, 3/20/2019, 20:26 Email from Det. Kearney to Capt. Crane-Baker

"This is a lot harder then one would think due to not being able to add the 8 pages of text. I was requested to try and have this to the ASA's office by Friday so I have two days to get this knocked out...eeeekkkk..Can you please take a look and let me know what you think. Steph" (**See Attachment G**).

Thursday, 3/21/2019

Det. Kearney files the PC affidavit with the State Attorney's Office.

Wednesday, 3/27/2019, 0900

Warrant issued for Bethany Fedorenchik Guerriero's arrest.

From the above timeline, the only thing that changed in Lt. Guerriero and Bethany Fedorenchik Guerriero's relationship was Bethany asking Nicole for an address and itinerary of where she was taking their daughter in Key West. It is clear: Nicole Guerriero did not want to comply with the terms of a Court ordered Parenting Plan. She then enlisted Officer Baker, and utilized City resources, to ram through a TRO and arrest warrant in the Palm Beach County Courts. The motive here is transparent and the arrest and TRO are based on investigative work from 2017 which was stale, irrelevant, and retaliatory given Nicole's very behavior in continuing communication with Bethany, sleeping at Bethany's house, going out socially with Bethany, etc., etc., etc.

The rush to arrest and restrict Bethany Fedorenchik Guerriero is apparent from the hastily prepared 3/19/2019 Supplement Report with "NO SUPERVISOR APPROVAL" written across the top: there was no emergency here, as the last investigative notation on the case was on **1/21/2019**. With Lt. Guerriero's Spring Break trip and the TRO hearing now docketed, Officer Baker had been, *"requested to try and have this to the ASA's office by Friday so I have two days to get this knocked out."*

Lt. Nicole Guerriero now claims she fears Bethany Fedorenchik Guerriero, despite thousands of post-divorce communications between the couple, many initiated by Lt. Guerriero herself when she was not getting attention or response from Bethany. Officer Baker makes sweeping claims about the communications, but an analysis of the text messages reveals that of the 44,049 messages, approximately **19,816 are from Nicole Guerriero**.

This claim of being stalked also comes despite numerous instances where Lt. Guerriero stayed at Bethany's house, despite the exchange of expensive gifts and dinner outings (which Lt. Guerriero gladly accepted), hospital visits, and despite at least one sexual encounter between the two. Lt. Guerriero also maintained a key to Bethany's house during the time period in question and would come over frequently to let her dog out. All of this conduct occurred **after** Lt. Guerriero claimed she did not like the communications from her ex-wife; after she started reporting information to Officer Baker.

The communications and "cries of wolf" by Lt. Guerriero require more than this writing to explain adequately. My office would be happy to provide all of the materials the defense has collected in this pursuit, or to meet with the Delray Beach Police Department to discuss this further. Needless to say, DBPD has expended vast resources and manpower on this effort to aid in Lt. Guerriero's power play over her ex-wife. Officer Baker testified she spent **3 months** investigating this misdemeanor case at an hourly rate of \$43.00 an hour (**See Attachment H, Deposition of Stephanie Baker, 5/6/19**).

Officer Baker testified she advised Lt. Guerriero in 2017, that if thing were so bad, she should file for a TRO, pursue criminal charges, insist that the issues be taken up civilly in the divorce proceedings, and limit contact with Bethany to family law platforms like the website “Our Family Wizard (**Attachment H**).” Baker also wanted to contact Bethany Fedorenchik Guerriero in an effort to advise her to cease contact with Lt. Guerriero, something the report indicates DBPD typically does in these types of cases because it deters conduct. However, Lt. Guerriero instructed Officer Baker **not** to pursue this protocol.² Officer Baker went the extra step of having Lt. Guerriero prepare a Victim Witness Statement on 9/20/2017, which includes the following language:

“At this time, I do not want Det. Kearney to contact Bethany. I am afraid that the contact would escalate her anger and her behavior.”

If Officer Baker had contacted Bethany Fedorenchik Guerriero and interviewed her at that time, maybe the situation would have rectified itself. The divorce was not finalized at that time and the issues could have been resolved in civil court via the divorce proceedings. But that wouldn’t suit Lt. Guerriero’s plan to hold back all information about the investigation and then utilize it to her advantage at a future date.

Despite claiming she was scared, Lt. Guerriero ignored all this advice, opted to have a relationship with her claimed “stalker,” and then insisted 2 years later she needs protection. But, Lt. Guerriero does not include the child they adopted together in the Petition for the TRO, another clear investigative fact that, if considered in any other case, would demonstrate Lt. Guerriero is not afraid of her ex-wife. Notably, Lt. Guerriero did list Officer Baker in the TRO as a victim, despite Baker’s role as the investigating officer, and despite any evidence whatsoever of threats by Bethany Guerriero against Baker. This demonstrates a lack of objectivity in this investigation. There is simply no credibility in this staged effort: it is a farce that comes at the expense of the credibility of the system, and the trust of the public.

Perhaps the most outrageous conduct revealed was the fact that Lt. Guerriero, the then-head of the Internal Affairs Department for DBPD, directed a subordinate, Officer Stephanie Baker, to investigate and arrest her wife. Clearly, this should not have been handled by the very same department. Even if the claim is made that DBPD was well within its rights to help their own, Lt. Guerriero, **DBPD should not have** in this particular instance. There is more here than other cases: Guerriero’s response is that they (both she and Bethany) are Delray residents, so there is nothing wrong with her using her own

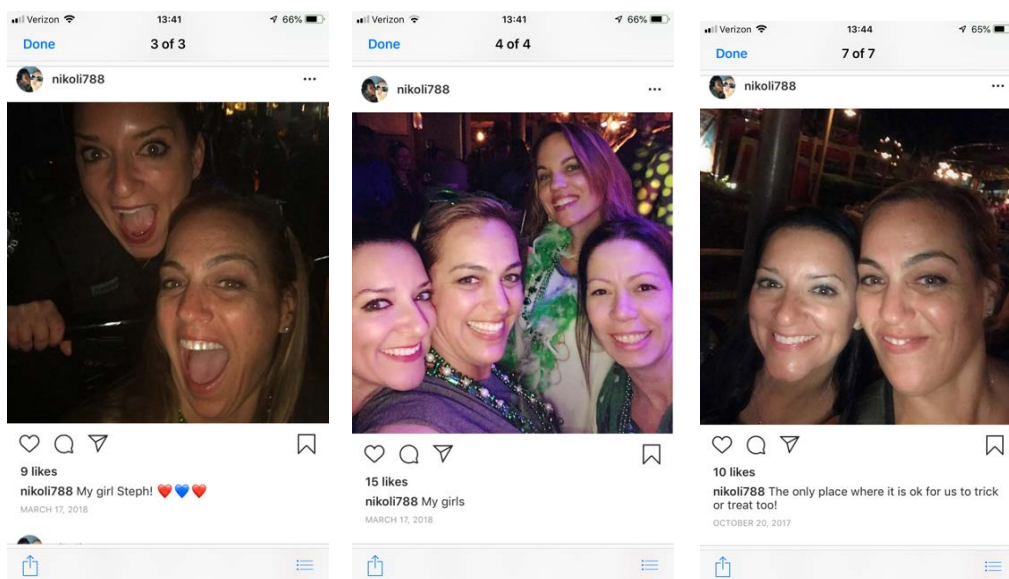
² Perhaps the report would be contradicted by Lt. Guerriero’s in-depth DCF adoption investigation, whereby she attested to the stability and nurturing relationship she and Bethany had in order to facilitate their very recent adoption. The Gurrierros’ adoption of their daughter came just a month and a half before Lt. Guerriero advised Bethany she wanted a divorce, something DCF was not made aware of, then or now. The DCF records should also be reviewed due to the contradiction between Nicole Guerriero’s claims to the State about her relationship with Bethany in order to facilitate an adoption and the accusations she has lodged now with law enforcement.

Police Department to investigate and arrest her spouse (who now faces administrative and criminal consequences which have resulted in the removal of her firearm and the potential loss of her job). But, the incestuous nature of this investigation was not made known to the Judge reviewing the TRO, nor the State Attorney's Office. In fact, not only was this concealed, this was an issue Officer Baker lied about.

The bottom line is that all of those involved in this investigation were close personal friends, not just work colleagues, not just acquaintances, as Lt. Guerriero has claimed. Officer Baker and Lt. Guerriero have more than a work relationship: their daughters are close friends, attend dance classes together, and they are over at each other's houses all the time. Lt. Guerriero attended wedding events in honor of Baker (a "bachelorette" party), and Lt. Guerriero and Officer Baker have taken vacations together. Mary Olsen is also a close friend of Nicole Guerriero's and had some involvement in the case before her retirement.

In her deposition, Lt. Guerriero qualified her relationship with Baker, downplayed it. In Officer Baker's deposition, she was asked whether she and Nicole Guerriero had ever vacationed together, to which, after a long pause, Baker answered, "No (**See Attachment H, P. 14, L. 21-25**)."

However, this was not true - it was not until the deposition of ASA Colleen Dunne that the deception was revealed. Dunne testified she was with the DBPD ladies, Lt. Guerriero and Officer Baker, for one such vacation they took when they all travelled to Key West. Nicole Guerriero and Baker have also travelled to Walt Disney World together. Officer Baker attended the adoption ceremony for Lt. Guerriero's daughter's adoption. On social media, they are seen partying at bars, with Lt. Guerriero calling Officer Baker "My girl, Steph."




It was revealed that even ASA Colleen Dunne and Officer Baker exchange phone calls and personal visits with each other. To the outside, this does not pass the test of an objective investigation. And the efforts – under oath - to conceal the nature of all of these relationships is troubling.

The concerns raised include the allegations that Officers with DBPD don't follow the General Orders, they transact City business with a lack of objectivity and an appearance of impropriety (if not outright improper, unethical, or criminal conduct), and there is a pattern of deception which cannot be explained away. Unfortunately, the concerns call into question all of the investigations to which DBPD officers affix their names because it involves a number of officers (including within Internal Affairs) and does not seem isolated.

A copy of this complaint is a being forwarded to the Delray City Manager, the Mayor's Office, and the State Attorney's Office. I am attaching the 3 depositions taken in this matter thus far for your review (Depos of Nicole Guerriero (**Attachment B**), Stephanie Baker (**Attachment H**), Colleen Dunne (**Attachment D**)). I will forward more information as it is forthcoming.

I look forward to hearing from your office about the next steps to be taken into this investigation.

Sincerely,



Nellie L. King
Counsel for Bethany Fedorenchik Guerriero

cc: Interim City Manager/Fire Chief Neal deJesus (c/o Exec. Admin. Assist. to Interim City Manager, Joyce Billingsley, billingsleyj@mydelraybeach.com)
Delray Beach Mayor Shelly Petrolia (petrolia@mydelraybeach.com)
State Attorney Dave Aronberg (Dave@sa15.org; DAronberg@sa15.org)
Assistant State Attorney Brian Fernandes, SAO Public Corruption Unit (BFernandes@sa15.org)



CFN 20180452086

DR BK 30280 PG 1804
RECORDED 12/03/2018 15:31:34
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1804 - 1805; (2pgs)



SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

Declaration of Domestic Partnership

RETURN TO:

Nicole Guerrero & Charles Navarro
4553 Highgate Dr Unit C
Delray Beach, FL 33445

space above reserved for recording information

INSTRUCTIONS

Complete the following information to declare a domestic partnership.

AFFIRMATION

We swear or affirm under penalty of perjury that:

1. We are residents of Palm Beach County;
2. We are both at least eighteen (18) years old and competent to contract;
3. We are not married to each other or anyone else;
4. We are the sole domestic partner of the other person;
5. We are not related to the other by blood;
6. We consent to the domestic partnership relationship without force, duress or fraud;
7. We agree to be jointly responsible for each other's basic food, shelter, common necessities of life and welfare;
8. We have not been a member of another domestic partnership for the past year;
9. We share our primary residence with each other;
10. We consider ourselves to be a member of the immediate family of each other;
11. We share financial responsibilities as domestic partners; and that
12. The name and mailing addresses of each domestic partner are:

Partner 1: Printed Name: Charles Navarro

Address: 4553 Highgate Dr #C City: Delray Beach State: FL Zip: 33445

Partner 2: Printed Name: Nicole Guerrero

Address: 4553 Highgate Dr #C City: Delray Beach State: FL Zip: 33445

DOCUMENTATION

The documentation as indicated below is provided with this declaration. Copies may be presented in lieu of originals. Documentation will be returned to you. Please check those items presented.

To establish mutual residence, one (1) of the following must be presented:

- ☐ Current mortgage, deed or lease showing both names
- ☒ Current driver's licenses showing the same address for both partners
- ☐ Current tax returns showing the same address for both partners
- ☐ Current government issued photo identification showing the same address for both partners

Revised 5/26/17

ATTACHMENT A

To establish joint financial responsibility, two (2) of the following must be presented:

- ☐ Current mortgage, deed or lease showing both names
- ☒ Current statement from joint bank account
- ☒ Current credit card statement with same account number for both names
- ☐ Vehicle title showing common ownership
- ☐ A beneficiary designation form for a retirement plan or life insurance policy signed and completed to the effect that one domestic partner is the beneficiary of the other
- ☐ Wills designating the other as primary beneficiary

STATEMENT

Acknowledgement:
I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for making a false statement includes fines and/or imprisonment.

Signature: [Signature] Date: 12/3/18


Printed Name: Charles Navarro

Address: 4553 Highgate Dr Unit C City: Delray Beach State: FL Zip: 33445

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

Sworn or affirmed and signed before me on December 3, 2018
by Charles Navarro

Notary Public or Deputy Clerk of Court
Beatrice Screciu
[Print, type or stamp commissioner name of notary or clerk]
Deputy Clerk Signature and Seal



Acknowledgement:
I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for making a false statement includes fines and/or imprisonment.

Signature: [Signature] Date: 12/3/18


Printed Name: Nicole Guerniero

Address: 4553 Highgate Dr Unit C City: Delray Beach State: FL Zip: 33445

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

Sworn or affirmed and signed before me on December 3, 2018
by Nicole Guerniero

Notary Public or Deputy Clerk of Court
[Signature]
[Print, type or stamp commissioner name of notary or clerk]
Deputy Clerk Signature and Seal



Revised 5/26/17



I hereby certify the foregoing is a true copy of the record in my office with redactions, if any as required by law as of this day, Apr 30, 2019.
Sharon R. Bock, Clerk and Comptroller, Palm Beach County, Florida
BY [Signature] Deputy Clerk

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 2019DR002547XXXXSB
DIVISION: FX

NICOLE GUERRIERO,
Petitioner,

vs.

BETHANY FEDORENCHIK GUERRIERO,
Respondent.

_____/

- - -
DEPOSITION OF NICOLE GUERRIERO
THE PETITIONER
TAKEN BY THE RESPONDENT
- - -

TUESDAY, APRIL 30, 2019

12:25 P.M. - 2:24 P.M.

ATTACHMENT B

1 I N D E X

2

3 TUESDAY, APRIL 30, 2019

4 NICOLE GUERRIERO

5 DIRECT CROSS REDIRECT RECROSS

6 By Ms. King 4

7 By Ms. Reid (No questions asked.)

8

9

10 E X H I B I T S

11

12 RESPONDENT'S DESCRIPTION ID'D MARKED

13

14 (No exhibits marked.)

15

16

17

18 C E R T I F I E D Q U E S T I O N

19

20 Page 70, Line 2

21

22

23

24 Signature letter to Andrea Reid, Esq.

25 Errata Sheet (to be forwarded on execution)

1 The deposition of NICOLE GUERRIERO, the
2 Petitioner in the above-entitled and numbered cause,
3 was taken before me, Beth L. Kelly, Florida
4 Professional Reporter, Notary Public for the State
5 of Florida at Large, at Law Offices of Nellie L.
6 King, PA 319 Clematis Street, Suite 107, in the City
7 of West Palm Beach, County of Palm Beach, State of
8 Florida, on Tuesday, the 30th day of April, 2019.

9

10 APPEARING ON BEHALF OF PETITIONER:

11 ANDREA REID, ESQ.
12 THE REID LAW GROUP
13 2101 NW Corporate Boulevard, Suite 410
14 Boca Raton, FL 33431
15 (561) 948-5685

16

17 APPEARING ON BEHALF OF RESPONDENT:

18 NELLIE KING, ESQ.
19 LAW OFFICES OF NELLIE L. KING, PA
20 319 Clematis Street, Suite 107
21 West Palm Beach, FL 33401
22 (561) 833-1084

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29

1 THEREUPON,

2 NICOLE GUERRIERO,

3 having been first duly sworn by me, was examined and
4 testified as follows:

5 THE WITNESS: I do.

6 DIRECT EXAMINATION

7 BY MS. KING:

8 Q. Can you state your name for the record?

9 A. Nicole Guerriero.

10 Q. Okay. And where do you work?

11 A. Delray Beach Police Department.

12 Q. And how long have you been there?

13 A. It will be 20 years in September.

14 Q. And prior to that, where did you work?

15 A. That's a long time ago.

16 Q. Did you have law enforcement jobs before
17 that?

18 A. No.

19 Q. Always been with Delray Beach PD as far as
20 kind of your career path?

21 A. For law enforcement. I was a social
22 worker in New York for a year and a half.

23 Q. Okay. In what area?

24 A. Victim services.

25 Q. What year was that?

1 A. It was after I graduated from college. So
2 I'll say '90 -- I graduated from college in '97. So
3 between '97 and '99.

4 Q. Okay.

5 A. I don't know the exact date, but ...

6 Q. So how long did you work in victim
7 services?

8 A. A year and a half.

9 Q. And what were your responsibilities?

10 A. I worked in the courthouse. I assisted
11 victims in court, just stood by with them in court.

12 Q. Did you help them fill out restraining
13 order paperwork and those sorts of things?

14 A. Yes.

15 Q. Okay. So you're well familiar with that
16 process?

17 A. Yes.

18 Q. Were the rules in New York or the laws in
19 New York for those sorts of things similar to what
20 we utilize in Florida as far as restraining order
21 process and applications?

22 A. I can't speak to the laws. I can just
23 tell you the process.

24 Q. Okay. Well, is the process similar since
25 you filled out the paperwork in Florida?

1 A. Yes.

2 Q. The paperwork in New York or the process
3 is similar to what you went through here?

4 A. Similar.

5 Q. And where did you go to college?

6 A. I started off at Nassau Community College
7 and then finished my bachelor's degree at FAU.

8 Q. Okay. And what year was that?

9 A. 1997 is when I graduated from FAU.

10 Q. And what's your degree in?

11 A. Social work.

12 Q. Okay. And have you ever in the course of
13 your career had negative internal affairs reports or
14 any sort of substantiated IA claims against you?

15 A. Not to my knowledge.

16 Q. Have you ever been arrested?

17 A. No.

18 Q. Okay. What is your address?

19 A. My address is confidential.

20 Q. Because of your role as a police officer?

21 A. Correct.

22 Q. Fair to say that Bethany knows your
23 address?

24 A. She does.

25 Q. All right. You haven't moved since that

1 time period?

2 A. No.

3 Q. Okay. Your role in Delray Beach Police
4 Department, what is your responsibility or where are
5 you assigned right now?

6 A. Road patrol.

7 Q. Do you have any status as far as rank with
8 Delray Beach other than road patrol?

9 A. I'm a lieutenant.

10 Q. Okay. And are you still over the internal
11 affairs?

12 A. No.

13 Q. When did your job responsibilities shift
14 from being the head of internal affairs to road
15 patrol?

16 A. Last week, I think.

17 Q. Okay. And what was the reason for that?

18 A. We got a new chief and he changed
19 assignments for the lieutenants.

20 Q. Okay. Well, let's back up. How long were
21 you the head of internal affairs for the department?

22 A. Eight months.

23 Q. And who is the new chief there?

24 A. Javaro Sims.

25 Q. And do you know how he spells his first

1 name?

2 A. J-A-V-A-R-O.

3 Q. Was Javaro -- and is it S-I-M-M-S or one
4 M?

5 A. One M.

6 Q. Was Javaro Sims involved in the department
7 prior to his rise to the rank of chief or was this a
8 national search and he was brought in from somewhere
9 else?

10 A. He was assistant chief prior to his
11 promotion.

12 Q. Okay. So he knew you for what period of
13 time prior to your demotion to road patrol?

14 A. I was not demoted.

15 Q. Prior to your reassignment to road patrol,
16 how long did he know you?

17 A. I don't -- he's worked in the agency for
18 as long as I have.

19 Q. Okay. Did you have any negative
20 performance reviews or evaluations in the time
21 you've worked for Delray Beach Police Department?

22 A. Not to my knowledge.

23 Q. Tell me in your role as the head of
24 internal affairs what your responsibilities were.

25 A. I was responsible for investigating cases

1 that were assigned to me by the chief and I oversaw
2 our IA program and I oversaw public records and --
3 that was pretty much it.

4 Q. What is the training that goes into that
5 position?

6 A. Can you be more specific?

7 Q. Do you have to have specialized training
8 to become the head of internal affairs?

9 A. You get -- if you're appointed to internal
10 affairs, you take classes to help you with the
11 position.

12 Q. Okay. And what classes did you take in
13 order to become the head of internal affairs?

14 A. I took an FBI LEEDA class.

15 Q. What kind of class?

16 A. FBI LEEDA, which is leadership classes.
17 They had an internal affairs class.

18 Q. Is that L-E-D-A or L --

19 A. L-E-E-D-A.

20 Q. Do you know what that stands for?

21 A. Not off the top of my head.

22 Q. Okay.

23 A. I took -- I'd have to look at my file. I
24 don't -- I've taken so many classes, I don't
25 remember specifically what classes I took for

1 internal affairs.

2 Q. Okay. But more than one? More than the
3 FBI class?

4 A. Yes, more than one.

5 Q. And then are you trained as far as
6 protocols in writing up the complaints that come
7 through the department, et cetera?

8 A. That's not what I do. I don't write up
9 the complaints.

10 Q. But did you have to take classes in that?
11 In other words, how to analyze or review the
12 paperwork that comes through?

13 A. No.

14 Q. How about standards for review of
15 complaints?

16 A. No.

17 Q. What did the courses cover that you took?

18 A. Investigating, internal affairs
19 investigations.

20 Q. Do you have a good command of the internal
21 operating procedures for Delray Beach Police
22 Department?

23 In other words, the SOPs or other
24 administrative rules or regulations?

25 A. I am aware of a lot of them, but I don't

1 -- there's a lot of them, so I don't know each
2 specifically.

3 Q. What is the SOP for conflicts of interest
4 within a department?

5 In other words, are there cases that
6 Delray Beach would say, you know what, maybe we
7 shouldn't investigate this, we should bring in an
8 outside agency?

9 A. A police involved shooting.

10 Q. Okay. Any other types of cases where
11 perhaps another agency should be involved?

12 A. I don't believe other than police involved
13 shooting that there is a general order in place to
14 dictate that. I think it's a case by case basis.

15 Q. In this situation, and we'll get to the
16 specifics of the police report from 2017, you were
17 the head of internal affairs at that time; is that
18 right?

19 A. Not in 2017.

20 Q. What was your role when this police report
21 was created back in -- I'm assuming you were a
22 lieutenant at that time?

23 A. Yes.

24 Q. Okay. How long have you had the rank of
25 lieutenant?

1 A. I believe it will be four years in
2 September.

3 Q. So in September of 2017 you were a
4 lieutenant?

5 A. Correct.

6 Q. And this officer here, Bethany -- or,
7 excuse me, Stephanie Kearney, later Baker; is that
8 right?

9 A. Yes.

10 Q. What was her rank?

11 A. Detective.

12 Q. Okay. Was she at that time under you as
13 far as chain of command?

14 A. No.

15 Q. How did it work as far as hierarchy?

16 A. She had a lieutenant that she reported to
17 in the investigative division, which was not me.

18 Q. And who was that lieutenant?

19 A. I don't know.

20 Q. Is there anything about the fact that
21 you're asking your own department to investigate
22 your then wife that would be out of operating
23 procedure for the department?

24 A. Not to my knowledge.

25 Q. And why is that?

1 A. I'm a victim. I live in the jurisdiction
2 and so did she.

3 Q. So have you ever had any conversation with
4 your department that maybe this was not the case for
5 them to be handling given the personal relationship
6 you had with the suspect?

7 A. No.

8 Q. Okay. Anything having to do with the fact
9 that you're now not the head of internal affairs,
10 does any of that have to do with this case or this
11 situation?

12 A. No. My assignment to internal affairs was
13 a temporary assignment while we were going through
14 transition with our chiefs. So it was never
15 expected to last longer than the temporary
16 assignment of the chiefs.

17 Q. Anything in your mind when you were going
18 through this with the detective or her lieutenant
19 that said, wait a minute, maybe I shouldn't be
20 utilizing my own department to investigate my wife?

21 A. No.

22 Q. Never had second thoughts about that?

23 A. I did not, no.

24 Q. Is the current chief aware of this case?

25 A. He is.

1 Q. And what does he know about this?

2 A. You'd have to ask him.

3 Q. Well, what did you tell him?

4 A. I did not speak to him. I did it through
5 my chain of command.

6 Q. So who in your department knows about this
7 case?

8 A. My assistant chief, Sapino.

9 Q. Okay. And how does he spell his last
10 name?

11 A. S-A-P-I-N-O.

12 Q. And what did you advise him?

13 A. From the beginning, I told him what was
14 happening between Beth and I and just kept him up to
15 date as things went on.

16 Q. And did you do that by e-mail?

17 A. No.

18 Q. Phone call? Meeting?

19 A. In person.

20 Q. Okay. And who else in your department
21 knows about it other than Baker/Kearney and her
22 lieutenant?

23 A. My former chief -- my former assistant
24 chief, Olsen.

25 Q. And who else?

1 A. I believe my captain at the time knew.

2 Q. And what was your purpose in telling them
3 about it?

4 A. At that time I feared that Beth would hurt
5 me and I feared that she would do anything to try
6 and hurt me in anyway. So I made them aware of what
7 was going on as like a heads up to them that this
8 was going on in my life and I thought that they
9 should know.

10 Q. This was in 2017?

11 A. Correct.

12 Q. Okay. And so your fear about being harmed
13 by her was at a period of time when you were still
14 married to her?

15 A. When we were separated.

16 Q. And isn't it true that you've apprised
17 your attorney that you never feared Bethany?

18 A. That is not true.

19 Q. That the restraining order wasn't because
20 you feared physical violence?

21 A. I thought she would kill me. So if you
22 consider that physical violence then, yes, that's
23 what I feared.

24 Q. What did she state or do to you to
25 indicate to you that she would kill you?

1 A. It wasn't what she stated. It was her
2 impulsive behavior that she's shown throughout the
3 marriage and throughout the separation and things
4 that she's said to me in text messages and the way
5 that she has acted towards me that put me in fear.

6 Q. Okay. It's fair to say that she's never
7 threatened to kill you?

8 A. She didn't directly say that she would
9 kill me, but she said I would get mine and has made
10 statements like that that led me to believe that she
11 wanted to harm me.

12 Q. Okay. Can you show me the text message
13 where she's threatened you or give me a date?

14 A. I mean, not right this second because
15 there's 46,000 text messages between us, but if you
16 want me to look through them, I can let my attorney
17 know.

18 Q. When those things happened -- you've
19 mentioned one text message out of 46,000 -- you
20 continued to message her, correct?

21 A. Only when she started the messaging.

22 Q. Out of 46,000 e-mails, have you counted
23 how many were actually yours?

24 A. No.

25 Q. You don't cut off the communication,

1 right?

2 A. I do tell her stop texting me numerous
3 times. I've told her -- even numerous times in one
4 text message I've told her to stop texting me, stop
5 contacting me, only contact me if it's about our
6 child.

7 Q. And at one point in time there was
8 actually kind of an indication of divorce and then
9 there was a period where that was taken back and you
10 didn't follow through with the divorce?

11 A. Incorrect, incorrect.

12 Q. No, you never contacted an attorney -- or
13 your tax accountant to say, no, we need to stay
14 married for a tax credit?

15 A. No, we -- Beth and I discussed that we
16 would -- she -- Beth and I discussed that we would
17 collect the tax money for the year. At one point
18 she said she did not want to do that. So I said
19 that was fine, whatever she wanted to do. And then
20 I actually believe I have e-mails saying that she
21 did want to collect the adoption credit for K[REDACTED].

22 The tax lawyer was the one who said we
23 needed to be married in order to collect it. So I
24 never pushed her to stay married. If anything, it
25 was the opposite way. It was the other way around.

1 Q. So the e-mails would substantiate that you
2 had no part of that?

3 A. The e-mails would substantiate that she
4 was a part of that.

5 Q. Okay. But it wasn't your idea to stay
6 married, you wanted to act right away, right?

7 A. I filed in August of 2017 wanting out of
8 the marriage.

9 Q. When did you first hire the divorce
10 attorney to get out of the marriage?

11 A. I believe it was also August 2017.

12 Q. So you never had communications with your
13 accountant or with Bethany saying we need to stay
14 married?

15 A. As I stated, there were e-mails from my --
16 I don't know if they were e-mails or not. I don't
17 remember the type of communication. But, yes, we
18 discussed that if we were not married that we would
19 not get the -- I think it was \$8,000 tax credit.
20 And there are several e-mails back and forth between
21 Bethany -- I believe it was e-mails -- Bethany and
22 me talking about that.

23 Whether or not I insisted on being
24 married, I mean, I would have to see the e-mails to
25 see what the language is, but I filed in August of

1 2017 with the intent to divorce as soon as possible.
2 If that meant no tax credit, then so be it.

3 Q. Okay. So who was your divorce attorney?

4 A. Melissa Murray.

5 Q. And when -- when did you meet Bethany?

6 A. The very first time?

7 Q. Uh-huh.

8 A. I think it was 2011. I believe it was
9 2011, July.

10 Q. Let me back up from there. Have you ever
11 been married before?

12 A. Yes.

13 Q. Okay. Who was the first person you were
14 married to?

15 A. Gerry Rich -- Gerry Riccio.

16 Q. How does he spell his name?

17 A. R-I-C-C-I-O.

18 Q. And how long did that marriage last?

19 A. A year and a half.

20 Q. And is he in Palm Beach County?

21 A. Yes.

22 Q. Does he remain in Palm Beach County?

23 A. I believe so.

24 Q. Okay. What does he do?

25 A. He's a police officer.

1 Q. With which department?

2 A. Delray Beach Police.

3 Q. You work with him now?

4 A. We work in the same agency.

5 Q. Okay. Was that an amicable divorce?

6 A. Yes.

7 Q. Did you have any children out of that
8 marriage?

9 A. No.

10 Q. You then indicated you met Bethany in
11 2011?

12 A. Correct.

13 Q. Okay. How did you meet Bethany?

14 A. At an Explorer boot camp.

15 Q. What is that? A law enforcement event or
16 something?

17 A. Yeah. We teach kids how to do law
18 enforcement skills. We give them -- it's like a
19 leadership boot camp.

20 Q. And then when did you get married?

21 A. 2014, I believe.

22 Q. Okay. Did you have a period where you
23 lived together before you got married?

24 A. Yes.

25 Q. And when was that?

1 A. I don't know the exact day she moved in,
2 but she moved into my townhouse.

3 Q. Do you know what year?

4 A. I don't remember when. I remember it was
5 in January, but I don't remember. Maybe 2012. I'm
6 not a hundred percent on the date.

7 Q. Okay. And so when in the course of the
8 relationship did things start to get to the point
9 where you said I'm afraid of this person?

10 A. I don't know if there was one specific
11 date, but what started to make me nervous was when
12 she told me that she had been Baker Acted. So that
13 made me a little bit nervous because I had seen some
14 impulsive behavior on her behalf, and when she said
15 that she had been Baker Acted that worried me.

16 Q. When did she tell you that?

17 A. That was pretty early on in the
18 relationship. Maybe 2012, somewhere around there.

19 Q. Before you got married?

20 A. Yes.

21 Q. Okay. So my particular question though is
22 you've indicated there's an e-mail or a text message
23 where you felt threatened by this person. When did
24 that start? When did you decide you were afraid of
25 this person?

1 A. I mean, it started pretty soon after we
2 separated because she wouldn't stop, basically just
3 wouldn't stop.

4 Q. Wouldn't stop what?

5 A. Texting, tracking me, tracking my
6 WhatsApp, tracking people in my life. She just was
7 just to obsession.

8 Q. So my question to you is --

9 A. There's not --

10 Q. Because you were married -- you were
11 married in 2014, right?

12 Did this sort of stuff predate that? When
13 did the communication start where you were like all
14 of a sudden I don't know who this person is?

15 A. It wasn't all of a sudden. As you know,
16 things don't happen just all of a sudden. There's a
17 build up. There's things that you know. There's
18 patterns that you see. There's things that happen
19 that all in the end make you fearful, and that's how
20 that happened.

21 All the behaviors that I saw while we were
22 married, all the things that she did, the way she
23 handled things and then the way she handled the
24 separation all compounded the fear that I felt.

25 Q. Well, in the police report, when do you

1 start logging what you then decide to put into the
2 report as far as your collection of activity that
3 comes to the point of too much communication?

4 A. In 2017 was the beginning.

5 Q. In what month?

6 A. It all -- it started in April, but it
7 started to get really bad in July.

8 Q. Okay. So April -- is it your testimony
9 that April of 2017 is when you decided to
10 communicate -- well, you were living together at
11 that point, right?

12 A. We were living together, but we were in
13 separate rooms.

14 Q. You got married in February and -- in
15 February of 2014. There comes a point in time where
16 you then decide to adopt a child; is that right?

17 A. Correct.

18 Q. And the adoption of K [REDACTED] was finalized
19 in what month?

20 A. February.

21 Q. Of what year?

22 A. 2017.

23 Q. So through that process you would have had
24 to go through a DCF investigation, right?

25 A. Correct.

1 Q. You would have had to submit a lot of
2 paperwork and documentation about not only your
3 history, but the history of your relationship with
4 her, right?

5 A. Correct.

6 Q. And you would have had to ultimately go in
7 front of a judge as well as also probably compile
8 lots of background check documentation --

9 A. Correct.

10 Q. -- for the report, right?

11 A. Uh-huh.

12 Q. How many hours do you think all of that
13 process took as far as paperwork and background
14 investigations?

15 A. I don't know.

16 Q. Throughout that process which led up to an
17 adoption in February of 2017, is there any
18 indication you make to the Court I'm not sure about
19 who this person is, I think she's been Baker Acted,
20 I don't like this anymore, she's unstable?

21 A. No, because Beth never reported to our
22 agency that she had been Baker Acted. So at that
23 time I was concerned that she would then lose her
24 job. And we had already been fostering K [REDACTED]
25 prior to. It wasn't just an adoption where we just

1 met her and we decided to adopt her.

2 Q. But you don't indicate to the court that
3 there's any reservation in your mind about Bethany's
4 stability to bring in not only someone that you're
5 married to, but to now bring a child into that
6 situation, right?

7 A. Correct.

8 Q. In fact, at any point in time, I mean when
9 you're talking to DCF and doing this paperwork, are
10 you lying about who you're married to or you just
11 hadn't decided at that point that this was not going
12 to work out?

13 A. No, at that time she wasn't incessantly,
14 obsessively texting me, you know, calling me names,
15 threatening me, doing the things that she had done
16 between 2017 and 2019.

17 Q. Well, the report -- you go to the
18 detective, Kearney, in September of 2017; is that
19 right?

20 A. Uh-huh.

21 Q. Okay. So -- you have to answer yes or no.

22 A. Yes.

23 Q. So in the course though, if we back up,
24 when you adopted K [REDACTED], that's February.
25 Literally a month and a half after the adoption is

1 when you indicate you're done with the marriage,
2 right?

3 A. Correct.

4 Q. Did you ever notify DCF and say, you know,
5 this might be a probationary period, we have a new
6 child in the home to say, look, I'm not with her
7 anymore?

8 A. No, I -- we didn't get hired to care for
9 her. We were her parents. So there's no
10 probationary period or a time where we have to tell
11 them that something didn't go the way that it had
12 been planned.

13 Q. Right.

14 So fair to say though that the separation
15 literally was a month and a half after you adopted
16 K [REDACTED]?

17 A. Yes.

18 Q. April was also the month that your friend
19 or girlfriend Braswell was killed in the Keys?

20 A. My friend and co-worker, correct.

21 Q. Okay. So I've read the text messages from
22 that time period and it indicates that you were
23 actually in counseling at that point in time, right?

24 A. After she died.

25 Q. So tell me the extent of the counseling

1 you've received either at that time or any other
2 time in your career?

3 A. I don't feel comfortable discussing what
4 I --

5 Q. Not the content. You just accused my
6 client of being Baker Acted and kind of off the
7 chain. So my question to you is mentally and
8 emotionally, you had to seek help during that time
9 period, correct?

10 A. Because of what I saw when Christine died.

11 Q. And how -- are you still in counseling to
12 this day?

13 MS. REID: You can disclose if you're in
14 counseling.

15 THE WITNESS: Yes.

16 BY MS. KING:

17 Q. How often do you treat?

18 A. Once a week or once every -- actually it's
19 like more once every two weeks.

20 Q. And from my -- and, of course,
21 communication goes more than just text messaging.
22 Obviously you're living together at that point. It
23 seemed like the time period where it hit its --
24 where it went from, you know, a happy relationship
25 with a nine year old adopted child newly in the home

1 to Bethany being told you're done was literally
2 within the week of the death of Ms. Braswell?

3 A. That's not true. I -- and there's even
4 text messages where she acknowledges that prior to
5 that I had told her that I wasn't happy and I had
6 asked her to seek therapy and to make some changes.
7 So it was prior to that.

8 Q. How much before that?

9 A. I don't know. I had told her more than
10 once that I wasn't happy.

11 Q. Did you indicate those things when you
12 were discussing the stable relationship you had with
13 DCF to adopt K [REDACTED]?

14 A. No.

15 Q. Why did you not disclose that to the
16 state?

17 A. I thought it would get better.

18 Q. So if I pulled those records where they
19 ask about the nature of your relationship, those are
20 accurate or inaccurate?

21 A. At the time that's how I felt. So they're
22 accurate.

23 Q. So when you indicate in April that it's
24 done, I guess there's some arrangement then who's
25 going to stay in the home or what have you, right?

1 A. It's my home. I own it.

2 Q. Okay. But you have to have some
3 conversation about how this is going to work, you
4 just brought a child into the home, right?

5 A. Correct.

6 Q. During that period, is it fair to say that
7 Bethany knew that this was coming?

8 Could she see this coming, especially if
9 the adoption was a month before?

10 A. I can't speak to what Bethany knew, ma'am.

11 Q. You don't make any sort of complaint at
12 that time about the level of communication, April,
13 May, June, July, right?

14 A. She was still living in my home at the
15 time.

16 Q. Okay. When did she move out?

17 A. July.

18 Q. When does it get to the point where you
19 say I'm going to start documenting this as far as
20 the police report?

21 A. Obviously in September when I made the
22 report.

23 Q. Okay. When you divorced, what month was
24 that?

25 A. I think -- I don't think that was

1 finalized until October of 2018.

2 Q. Because we had to have the -- there was a
3 period where the lawyers agreed to call off
4 filing --

5 A. No. So Beth had her lawyer contact my
6 lawyer and told my lawyer that she wanted to -- I
7 think it was a three month period, that she wanted
8 to not move forward. And so my lawyer contacted me
9 and said you and I just spoke, you said you wanted
10 to move forward, her lawyer's saying you don't want
11 to move forward. I said I want to move forward, as
12 I have told you, I want to move forward. I never
13 said I did not want to.

14 Q. So if there's a time period where there's
15 no activity on the family court file, what is that
16 attributable to?

17 A. You'd have to be more specific in the time
18 frame.

19 Q. If there's communication about cooling off
20 the divorce proceedings --

21 A. That was on Beth's behalf. That was --
22 Beth did that. I did not do that.

23 Q. So your testimony is your lawyer was full
24 steam ahead at that point in time?

25 A. I advised her to. Whether she did or not,

1 you'd have to ask her. But I told her at that time
2 that that was Beth's choice, however, that was not
3 my choice.

4 Q. You then go through the divorce. When is
5 that finalized?

6 A. I just said October 2018, I believe.

7 Q. So you filed in September of '17?

8 A. I think it was August or September 2017.

9 Q. So a year later the divorce is finalized?

10 A. Correct.

11 Q. The month that you filed for the divorce,
12 in fact it's literally -- according to the police
13 report, you went to the detective on September 16th
14 of 2017. You filed for divorce September -- I don't
15 know the particular date. So, I don't know if the
16 police report came before the filing or after, but
17 it was close. It was the same month.

18 Do you ever, as part of the marital
19 settlement agreement or the parenting plan or
20 anything, build in language that says I only want to
21 be contacted about the child or we should use Our
22 Family Wizard or one of those devices so that the
23 communications are only about K [REDACTED] and monitored
24 through programs that are developed for that
25 purpose?

1 A. I didn't even know that that existed till
2 after the divorce. I didn't even know that those
3 programs existed that we could communicate via text.
4 It was actually not until after, I believe, the
5 divorce was finalized that someone even told me that
6 those programs existed.

7 Q. So then you never told your lawyer that
8 she texts me all the time and I don't like it?

9 A. Yes, I did. Yes, I did.

10 Q. So your testimony is you never told --

11 A. I do not recall my lawyer telling me
12 anything about a program that could be used to text
13 each other or communicate with each other. I don't
14 recall her ever telling me that.

15 Q. In the context of negotiating, did you go
16 to a mediation?

17 A. No.

18 Q. Did you ever indicate to Bethany's lawyer,
19 look, I don't want to communicate about anything but
20 the child and I want to do it through a formalized
21 process or in any other way?

22 I don't want her texting me, for example?

23 A. My attorney attempted to go to mediation.
24 You'd have to ask her what happened with that. I
25 don't know.

1 Q. The bottom line is when you divorced, the
2 communications between you two was never addressed.
3 Whether you knew about those programs or not, you
4 never made your fear or the amount of communications
5 a part of your settlement?

6 A. I expressed them to my attorney. I let
7 her know that I was getting text messages that were
8 scaring me, that she would not stop, that I was
9 concerned. She said that we were almost done with
10 the divorce and, you know, just to wait till the
11 divorce was finalized.

12 Q. When did you learn about these programs
13 that you could utilize to communicate during --

14 A. I don't know the exact date or time, but I
15 didn't know about them at the time that this was
16 going on. I didn't learn about them til much later.

17 Q. So in the police report, you direct the
18 defendant not to contact Bethany?

19 A. Correct.

20 Q. And you indicate -- or actually the
21 defendant indicates that that's against department
22 protocol because typically they would contact -- in
23 her words, they would contact the person in order to
24 at least be a warning that, hey, the communication
25 needs to stop?

1 A. No, that's not department protocol. Any
2 victim is afforded the opportunity to say at this
3 time they're not comfortable with the detective
4 reaching out to a suspect in any case.

5 It's not -- it's not department -- if you
6 feel that your life is in danger or that you are in
7 fear, which at that time I did, it's okay to say not
8 to contact that person because you're not
9 comfortable at that moment with the detective
10 reaching out to the suspect.

11 Q. You go -- I mean, how many hours did it
12 take for this detective to read the 44,000 e-mails
13 and pull out -- or did you help her do that?

14 A. I mean, clearly you would have to ask her
15 that because I had no part of that.

16 Q. Okay. Did you e-mail this detective in
17 the context of any of this investigation?

18 A. I forwarded her text messages via e-mail
19 and screenshots of, I think, e-mails and text
20 messages.

21 Q. So is it your testimony that as a career
22 officer it's not protocol to contact the other
23 person, especially if it's an issue of incessant
24 communication?

25 A. What is your -- what is your definition of

1 protocol? What are you trying to say?

2 We went against general order, is that
3 what you're trying to say?

4 Q. Right.

5 A. No, we did not go against general order.

6 Q. Have you read this report?

7 A. I have.

8 Q. Okay. So when the detective writes: I
9 explained the stalking process and suggested that
10 Nicole complete a stalking injunction order. I
11 informed Nicole that we, law enforcement, would
12 usually make contact with the suspect and informed
13 them that we, law enforcement, are involved and to
14 stop contacting the victim.

15 A. Uh-huh.

16 Q. Nicole requested I do not make contact
17 with Bethany.

18 In other words, you advised her not to
19 make contact with her, correct?

20 A. No. As you just read, I requested. I did
21 not advise. I was a victim in this case. I was not
22 a law enforcement officer in this case. I was
23 Nicole Guerriero, the victim in this case, and
24 requested, as the victim, to please not contact the
25 suspect because of my fear of what will she would do

1 if she knew that I had filed the police report.

2 Q. Why did you file the police report then?

3 A. Because I thought she was going to kill
4 me. I thought she was going to hurt me and I
5 wanted it --

6 Q. Based on what?

7 A. -- on record.

8 Q. What threats has she made to you to kill
9 you?

10 A. Based on my fear. Based on the humongous
11 amounts of text messages that I was receiving, based
12 on the things that she said in the text messages,
13 based on her impulsive behavior, based on her lies,
14 her lies of saying I won't bother you anymore, I'm
15 sorry for my behavior, I'm sorry that I've made you
16 feel this way, I would never do that again, based on
17 the fact that she then did it again.

18 Q. After you claim all this stuff that you're
19 in fear, you've been to dinner with her, right?

20 A. Only when my daughter was present.

21 Q. You've had her watch your dog, correct?

22 A. I wasn't present for that. My daughter
23 was there.

24 Q. Okay. You continued to interact with her,
25 right?

1 A. Yes, because the best way for my child,
2 the best interest of my child was to try to get
3 along with her. And Beth worked on a rollercoaster.
4 She would get impulsive and crazy and then she would
5 be really, really calm. And I would try to keep it
6 as calm as long as possible for the best interest of
7 my daughter. It didn't mean I wasn't in fear. It
8 just meant let me try to keep it as calm as I can --

9 Q. So --

10 A. -- as long as possible.

11 Q. Let me interrupt you. What did her
12 watching your dog when you were away on a trip have
13 anything to do with your daughter?

14 A. My daughter was there with the dog.

15 Q. Okay.

16 A. Beth is very insistent.

17 Q. You continued to communicate with her,
18 right? You don't say just talk to me about the
19 daughter. There were periods, thousands of e-mails
20 and text messages, where you're talking about lots
21 of stuff, including your trips, the dog, you go out
22 to dinner with her, correct?

23 A. And my daughter.

24 Q. You received gifts from her?

25 A. In the name of my daughter. Every time

1 she gave me a gift, she told me it was from K[REDACTED].
2 I didn't use any of the gifts. All the gifts are in
3 a pile in my house.

4 Q. What sort of gifts did you get from
5 Bethany after you claim you were stalked?

6 A. A purse, a Fitbit watch she gave in front
7 of my daughter saying it was from my daughter for my
8 birthday, a necklace. I can't remember what else.

9 Q. So if you're going along with this
10 relationship for your daughter, you don't set the
11 boundaries by continuing to communicate with Bethany
12 other than your daughter, do you agree?

13 A. No, because I've told her I only wanted to
14 communicate with her about K[REDACTED], but you can't
15 set boundaries with someone who has no boundaries.
16 It's impossible.

17 Q. You're a police officer.

18 A. So is she, ma'am, so is she.

19 Q. You've seen this over and over again.

20 A. And so has she.

21 Q. You want a court to take your claims
22 credibly that you were afraid of her and you're
23 going out to dinner with her. Help me understand
24 that.

25 A. I could because if you are familiar with

1 any victim in a -- in a stalking or domestic
2 violence case, you would know that they -- all they
3 want is to keep -- keep things calm. All they want
4 is for things to be calm and to keep the peace and
5 for things not to get as bad as they have gotten
6 between Beth and me.

7 Q. But all of this stuff when she was
8 literally shocked, you would have to admit, that you
9 were leaving or she had to leave, okay?

10 A. I don't believe she was shocked, no.

11 Q. Okay. Again, you go before a judge and
12 adopt a child indicating your relationship is smooth
13 as silk so that you can get a child into your home,
14 into your life, okay.

15 A. Of which she then threatened to remove the
16 child from my home and from my life. If you read
17 that text message --

18 Q. Right.

19 A. -- where she threatened and used my
20 daughter for the -- that was probably the first time
21 that I can recall that she used my daughter as a
22 pawn, which she has done throughout this whole
23 thing. But that was the first one that comes to
24 mind for me where she threatened and then did remove
25 my daughter from my home because she wanted to

1 control where I was and she wanted me at home. So
2 that was --

3 Q. When you tell her to stop texting you --

4 A. That was right after our adoption.

5 Q. -- why do you then text her back?

6 A. Because she doesn't stop.

7 Q. Okay. Let me ask a question. You have a
8 parent agreement, you have a child sharing
9 arrangement, right?

10 A. Correct.

11 Q. And there's certain days this happens,
12 that happens, school, dance or whatever. Why do you
13 then facilitate the additional conversations, the
14 additional social events, the additional contact
15 with her?

16 A. Because things were easier for K [REDACTED] and
17 they were easier all around if we could just
18 communicate. I was naive enough to believe that we
19 could co-parent, that we could perhaps be friends,
20 that we could put everything else aside to co-parent
21 my daughter.

22 Q. So you have this police report drafted and
23 then you put it on the shelf for now almost two
24 years, right?

25 A. No.

1 Q. A year and a half?

2 A. I --

3 Q. This is September of 2017.

4 A. Right. But as you read, I go back and
5 I -- in October of 2017 and then I go back again to
6 update in 2018.

7 Q. And you're just keeping this on the shelf
8 in your back pocket waiting for what?

9 A. No, it wasn't on the shelf right in my
10 back pocket.

11 Q. I mean, shouldn't this case have just been
12 closed?

13 If an average person on the street came in
14 and said I don't like what my wife is doing, I'd
15 like to make a report, right, and then there's no
16 action taken, there's no arrest, there's no law
17 enforcement action taken based on this, right?

18 A. Right.

19 Q. You go back twice and say I just want to
20 update my journal of impropriety on my wife's part
21 and then keep it a secret within your own
22 department, right?

23 A. No, it was not a secret. I notified my
24 chain of command.

25 Q. But you don't take the next step. I mean,

1 what's the purpose of the report other than just
2 collecting this until you decide to pull it out and
3 use it, right?

4 A. No. I was in fear that Beth was going to
5 take action against me, that she was going to harm
6 me, she was going to hurt me and I was in fear, and
7 that's why I made the report.

8 Q. So we just keep adding on to this report
9 starting in 2017. And then if you fast forward to
10 when you actually dropped the restraining order,
11 what was the precipitating event for you then filing
12 the restraining order? What happened that day?

13 A. Detective Baker finished her report.

14 Q. Wasn't that also the day that she asked
15 you where you were going with K [REDACTED] and you didn't
16 want to answer her questions?

17 A. She knew where I was going, she just
18 didn't have the exact address of where I was
19 staying.

20 Q. Right. And when her lawyer sent you a
21 letter saying per the marital settlement agreement
22 you have to provide an address and a location, you
23 refused to do that?

24 A. Correct.

25 Q. And you filed the restraining order right

1 after that, didn't you?

2 A. Incorrect.

3 Q. Okay. Tell me the order of how that came
4 down.

5 A. I filed the restraining order -- the
6 petition was clerk -- clocked in with the clerk by
7 3:00 p.m. I did not receive an e-mail from Ms.
8 Gross until 4 -- after 4:30. I think it was 4:34,
9 and I received my restraining order prior to that.

10 Q. So the e-mails -- the precipitating event
11 though was Bethany asking you where are you going to
12 be with K[REDACTED], per the marital settlement
13 agreement please tell me where you're going to be,
14 per Article IV, Section VI, I would appreciate an
15 address of where you will be with K[REDACTED] as your
16 trip will be overnight and out of the county for at
17 least two days.

18 A. Which shows that she knew where I was
19 going.

20 Q. Right, because K[REDACTED] had told her.
21 She's asking you for the specific address per the
22 terms of the agreement you signed.

23 A. Correct.

24 Q. Right? And your response to her is what?

25 A. I was in fear because of her past

1 behaviors to give her the exact address, however,
2 K [REDACTED] would have her phone with her if she wanted
3 to contact her at anytime, at any point.

4 Q. Doesn't she know where you live?

5 She knows exactly where you live. Why
6 would you then be afraid to give her an address of
7 where you're going to be staying out of county?

8 A. Because at the day prior -- I believe it
9 was the day prior she sent an e-mail discussing one
10 of my friends who she started talking about. And
11 that was her pattern. Anyone that was in my life
12 that she didn't know, she would start harassing me
13 about them and then start doing background checks on
14 them and start doing things about --

15 Q. The day before she's --

16 A. Are you going to let me finish?

17 Q. I'm not going to let you finish because
18 you're going on.

19 The day before the conversation is about
20 the therapist and the child because K [REDACTED] had been
21 acting up probably because of the transition now,
22 not only been your daughter for a month and a half
23 and then filed for divorce or separate and then she
24 sees you all sporadically because of the visitation
25 agreements, and the e-mail I have --

1 MS. REID: Is there a question?

2 MS. KING: Yeah, it's coming.

3 THE WITNESS: Because you're rambling on
4 too.

5 BY MS. KING:

6 Q. This e-mail that I have is K [REDACTED] and
7 Laura -- Laura's the therapist, right?

8 A. Correct.

9 Q. Back and forth. I guess K [REDACTED] had had a
10 very difficult day and she's telling you about that,
11 right, on March 17th?

12 A. Who? I'm sorry, you've said so much --

13 Q. March 17th --

14 A. -- I forget who you're talking about.

15 Q. March 17th Bethany sent you an e-mail:
16 This is the third or fourth time I'm trying to reach
17 out to you about K [REDACTED] and her decline in
18 behavior. You remember that?

19 A. Yup.

20 Q. And then the response goes on. You then
21 indicate that you're going to speak to Laura about
22 these things, right?

23 And Bethany gets frustrated because you
24 seem to just ignore the behavioral stuff with the
25 daughter, right?

1 And then the question from her is where
2 are you going. And you did not want to give her the
3 address of where you were going?

4 A. I did not want to give her the exact
5 address of where I was going.

6 Q. Which was pursuant to the terms of the
7 marital settlement agreement, right?

8 A. But I was already -- I already knew the
9 night before when I was drafting up my narrative for
10 the restraining order that I was going to get a
11 restraining order because of her behavior.

12 Q. She was asking about somebody that you
13 were dating, right?

14 A. No.

15 Q. Who's Colleen?

16 A. Colleen is my friend.

17 Q. Okay. How long have you been dating
18 Colleen?

19 A. I'm not dating Colleen.

20 Q. You've never slept with her?

21 A. I'm not answering that question.

22 Q. Okay. Are you dating Colleen Dunne?

23 A. I answered -- asked and answered,
24 Counselor.

25 Q. You're not going to answer the question?

1 A. I said no.

2 MS. REID: She answered.

3 THE WITNESS: I answered.

4 BY MS. KING:

5 Q. How long have you known Colleen Dunne?

6 A. I've known of her for two years.

7 Q. How do you know her?

8 A. She was the prosecutor on my friend's
9 case.

10 Q. Right. On Braswell's case, right?

11 A. Correct.

12 Q. And if witnesses are telling me that you
13 have an intimate relationship with her predating
14 this time period, meaning when you --

15 A. That is inaccurate and incorrect.

16 Q. Okay. You're not in a romantic
17 relationship with her?

18 A. I already advised you that I am not.

19 MS. REID: Asked and answered.

20 THE WITNESS: I already gave you the
21 answer for that question.

22 BY MS. KING:

23 Q. Is it a no or is it I'm not answering the
24 question?

25 A. I am not comfortable answering that

1 question. You asked me what my relationship was
2 with Colleen Dunne, and she is my friend.

3 Q. Okay. She picked K [REDACTED] up from dance
4 class Friday, right?

5 A. Yes.

6 Q. She spends the night at your home with
7 your daughter, correct?

8 A. With my daughter and myself, yes.

9 Q. Do you sleep in the same room?

10 A. No.

11 Q. Okay. You know you're under oath,
12 correct?

13 A. Yes, ma'am.

14 Q. How many times -- how many nights has she
15 been overnight at your home?

16 A. It's been an increased amount lately
17 because of Beth's choice to not see K [REDACTED]. I have
18 needed some additional help because my schedule at
19 work changed. So she's been at my house a little
20 bit more in order to provide me the assistance that
21 I need with my daughter.

22 Q. And e-mails and things like that would be
23 readily available between you and Ms. Dunne? You'd
24 provide those?

25 A. What e-mails?

1 Q. Do you communicate with Ms. Dunne by
2 e-mail?

3 A. I speak with her. I talk to her on the
4 phone.

5 Q. Okay. Do you communicate with her by
6 e-mail?

7 A. Not normally.

8 Q. Did you testify at the hearing recently in
9 the Braswell case?

10 A. I did not testify.

11 Q. Did you provide any sort of victim impact
12 statement or other testimony?

13 A. On behalf of a 14 year old girl, yes.

14 Q. So were you present at the hearing
15 recently --

16 A. Yes.

17 Q. -- in the Braswell case?

18 A. Yes.

19 Q. You provided a statement that was then
20 provided to the court?

21 A. I -- I stood in front of the judge and
22 gave him a victim impact statement from a 14 year
23 old girl that Christine was close with.

24 Q. So you became a witness in that matter,
25 correct?

1 A. No, I wasn't a witness. I just provided a
2 statement.

3 Q. Were you ever listed on the state's
4 witness list in that case?

5 A. No.

6 Q. Have you ever provided deposition
7 testimony in that case?

8 A. No.

9 Q. Was Christine Braswell your subordinate at
10 Delray?

11 A. Not at the time of her death. Oh,
12 actually at the time of her death -- no, no, not at
13 the time of her death.

14 Q. How often have you been to the Keys to
15 spend the night with Colleen Dunne?

16 A. I went to the Keys one time -- two times.
17 One time was for -- to take K [REDACTED] to the dolphins,
18 to swim with the dolphins, which was what your
19 client was asking about, and the second time most
20 recently was for the hearing.

21 Q. When you started drafting the restraining
22 order paperwork, what date was that?

23 A. The night before I received the order. I
24 don't know the date.

25 Q. So on -- if the order is dated the 19th,

1 it would have been the 18th of March?

2 A. Correct.

3 Q. And the e-mail to you asking where you
4 were going was dated when?

5 A. The 19th, I believe, the same day as the
6 order.

7 Q. Was there communication in the two or
8 three days before that that was involving something
9 other than K [REDACTED]?

10 A. With who?

11 Q. Between Bethany and you.

12 A. I don't know.

13 Q. Okay. When you asked -- is it Baker now
14 or Kearney?

15 A. Baker.

16 Q. When you asked Detective Baker to reopen
17 the case, what was the catalyst for that and when?

18 A. I believe December 2018 when Beth reached
19 out to a friend of mine's ex-girlfriend and gave her
20 my number to call me at work and to call my cell
21 phone.

22 Q. Who is that?

23 A. Amy. I think her last name's Johnson.

24 Q. And she's a friend of whom?

25 A. Charlie.

1 Q. Who's Charlie?

2 A. Navarro.

3 Q. Who's Charlie Navarro?

4 A. Another friend.

5 Q. Okay. Has he ever lived at your home?

6 A. No.

7 Q. Never been a resident at your address?

8 A. No.

9 Q. Was he a boyfriend of yours?

10 A. In the past, yes.

11 Q. From what time period to what time period?

12 A. When I was in my late twenties.

13 Q. Okay. When did you break that
14 relationship off?

15 A. I don't know the date. I was --

16 Q. Were you in your thirties or in your
17 twenties when you ended the relationship with him?

18 A. In my thirties.

19 Q. How old are you now?

20 A. 45.

21 Q. Okay. So in the time period that we're
22 talking about, either when you met Bethany or
23 through divorce and post divorce, your testimony is
24 you have not been in a relationship with Charlie
25 Navarro?

1 A. Correct.

2 Q. And so you mentioned something about his
3 friend Amy. What is that about?

4 A. That was some of Beth's obsession with
5 Charlie was she contacted an ex-girlfriend that she
6 believed he had some type of relationship with and
7 had her contact me at work, and then further gave
8 her my cell phone number for her to contact me on my
9 cell phone as well.

10 Q. And what was the nature of that? Like,
11 what was the conversation there?

12 A. Amy was accusing me of being in a
13 relationship with Charlie because that's what Beth
14 told her.

15 Q. And when was that?

16 A. December 2018.

17 Q. Was that before or after the dinner
18 meeting that you had?

19 A. I don't know which dinner you're talking
20 about.

21 Q. When you got picked up from a trip that
22 you took and had dinner with Bethany.

23 A. I don't know what you're talking about.

24 Q. Okay. December 9th of 2018 you went out
25 to dinner?

1 A. Yes, with K [REDACTED] too.

2 Q. Okay. Was this stuff with Navarro before
3 or after the dinner date?

4 A. After. December 10th was when I received
5 the calls.

6 Q. Did you ever issue any sort of trespass
7 warnings against Bethany for either where you work
8 or at the house or any of those places?

9 A. No.

10 Q. Did you ever indicate I only want to
11 exchange the child in a third location?

12 A. We --

13 Q. In other words, not your house?

14 A. Yes.

15 Q. Where was that?

16 A. She -- I believe she chose the front of
17 the police department.

18 Q. And how often did you do that?

19 A. It was on and off. When she was angry
20 with me, she wanted to do it. When she wasn't, she
21 didn't want to do it.

22 Q. So before the restraining order was filed,
23 where was she picking up K [REDACTED]?

24 A. Directly before the restraining order was
25 filed?

1 Q. Right.

2 A. Mostly at school. There were some --
3 sometimes where it fell on a weekend she had to pick
4 her up. So K [REDACTED] would go outside and go to her
5 car. But that wasn't that often. Most of the
6 pickups were at school.

7 Q. Charlie Navarro is referenced in this
8 police report almost as if he's an alleged victim.
9 Why is that?

10 A. Because most of her anger was aimed at
11 him.

12 Q. But he never -- did you ever contact him
13 to actually file a report?

14 A. He chose not to.

15 Q. Okay. So fair to say he is not a
16 petitioner, nor the subject of any of this other
17 than you're upset because he was somehow involved in
18 this, right?

19 A. No. I don't understand what you're
20 saying.

21 Q. Okay. Charlie Navarro is not a victim in
22 this case, right? You are the complaining witness.

23 He's never provided any information to law
24 enforcement about this, right?

25 A. Correct.

1 Q. And he's not a part of the restraining
2 order application, correct?

3 A. He was mentioned in the restraining order
4 at the bottom to stay away from him.

5 Q. But he didn't file that, you filed that?

6 A. I filed that and included his name.

7 Q. But he's never made any attestation of
8 complaint against Bethany, correct?

9 A. Not formally.

10 Q. And Amy Johnson -- when was the last time
11 you spoke with him?

12 A. With Charlie?

13 Q. Uh-huh.

14 A. We're friends. I talk to him all the
15 time.

16 Q. Okay. He has never had -- well, have you
17 ever met Amy Johnson?

18 A. No.

19 Q. She's his fiance?

20 A. Not -- I don't know. You'd have to ask
21 him.

22 Q. You're good friends with him and you don't
23 know his relationship with her?

24 A. That's his business. That's not my
25 business.

1 Q. Okay. She has never become a complaining
2 witness in these cases, right?

3 A. No.

4 Q. So your concern was that Bethany contacted
5 Amy to what?

6 A. No, my concern was -- if you read through
7 all the text messages, you would see that he was the
8 point of anger for her. He -- she knew where he was
9 at certain times. She had tracked him and I both on
10 using an application to track our WhatsApp
11 communication. She would give me exact times if he
12 was on the phone. She would give me exact places
13 that he was.

14 So clearly she had some type of obsession
15 with him. So that's why he was included on the
16 restraining order.

17 Q. But you would agree he's not the
18 subject -- I mean, we have no evidence from him,
19 correct?

20 A. I -- I was the one who spoke to Detective
21 Baker. I provided that information because of the
22 belief that Beth had that he was in my life, which
23 made him a target of hers because she believed him
24 to be in my life.

25 Q. Has she ever contacted him?

1 A. Yes.

2 Q. Through what?

3 A. Through text message.

4 Q. Okay. So have you contacted him and say
5 are you afraid, do you want in on this or --

6 A. I did not ask him that, no.

7 Q. So fair to say as far as the restraining
8 order hearing, this is you as the petitioner versus
9 Bethany as the respondent and no one else, correct?

10 A. Correct.

11 Q. Now, you mentioned something about
12 monitoring things through WhatsApp. What proof do
13 you have that that's occurred?

14 A. I saw it on Beth's phone.

15 Q. And then -- where were you?

16 A. She acknowledged it via text messages.
17 Well, she apologized for it.

18 Q. Where was she when you saw it on her
19 phone?

20 A. She was in the bathroom and I was in her
21 home.

22 Q. What month was that? Is it after the
23 divorce?

24 A. I think it was February of 2018.

25 Q. After the divorce?

1 A. No. The divorce was October 2018.

2 Q. Okay. Were you still living together in
3 the same home?

4 A. No.

5 Q. Why was she in the residence with you?

6 A. She was -- I was at her residence with my
7 daughter.

8 Q. Okay. So did -- we talked about dinner
9 and these other things. Did this also include going
10 over to each other's homes?

11 A. When it came to K [REDACTED], like if
12 K [REDACTED] -- if Beth and I were on an even keel and
13 something happened with K [REDACTED], she would come to
14 my home with K [REDACTED] so we could both address the
15 behavioral issue. Or whenever things happened, it
16 always was with K [REDACTED] or about K [REDACTED].

17 Q. You've investigated stalking cases before?

18 A. No.

19 Q. You've never been involved with one?

20 A. No.

21 Q. Ever?

22 A. No.

23 Q. Okay. As a law enforcement officer in
24 collecting the evidence, stalking cases, I would
25 think, if you had involvement with them, involves a

1 review of communications between the parties. Would
2 you agree with that?

3 A. And that's what was done in my case.

4 Q. Right. It involves a review a
5 communications, right?

6 A. That's what was done in my case.

7 Q. Okay. If the other person -- if somebody
8 comes to you as a law enforcement officer and says
9 I'm being stalked and then the person conveys to you
10 but I talk to that person all the time and I go to
11 their home and I go to dinner and those sorts of
12 things, would you then have probable cause to arrest
13 the person for stalking when the other complaining
14 witness is just as involved in the communications?

15 A. The state attorney's office thought so.

16 Q. Okay. All right. Fair enough.

17 You decide when this police report then
18 gets pulled out, right?

19 A. No, I don't.

20 Q. Well, you went back to the department for
21 the third time, right?

22 A. I went back to the detective to let her
23 know that things had not stopped.

24 Q. Did you tell the detective that the reason
25 you were now very upset was she was asking where you

1 were going in the Keys?

2 A. No.

3 Q. And with whom?

4 A. No.

5 Q. You never told her about the marital
6 settlement agreement and that that was a valid
7 question?

8 A. It had nothing to do with that, so it was
9 never mentioned. It had nothing to do with her
10 asking about where I was going in the Keys.

11 Q. What was the last straw?

12 A. I told you, it was when she reached out to
13 Amy to then have Amy contact me. And then she
14 started e-mailing me that evening one e-mail after
15 another after another --

16 Q. What did --

17 A. -- bashing me and calling me names. And
18 it just -- it was enough.

19 Q. What did Amy say to you? What were the
20 nature of Amy's communications to you?

21 A. Amy was pressing me to ask me what my
22 relationship was with Charlie.

23 Q. Okay. And it's your testimony you didn't
24 have a sexual relationship with Charlie since your
25 twenties or maybe your thirties?

1 A. There was one instance between Charlie and
2 I, but we were not dating. We were not in a
3 relationship.

4 Q. And when was that?

5 A. In -- you know what, I'm not -- I'm not
6 even comfortable. I don't see the relevance to it.
7 So I'm not comfortable answering that question.

8 Q. Well, was it recent?

9 A. I'm not comfortable answering that
10 question.

11 Q. Fair to say though you're not in a
12 substantial relationship or any sort of significant
13 relationship with him?

14 A. Correct.

15 Q. And you have not been in a significant
16 relationship with him since at least your thirties?

17 A. Or anyone.

18 Q. What do you mean by that?

19 A. I haven't been in a relationship with
20 anyone since Beth and I split up.

21 Q. Okay. All right. You have then, I guess,
22 gone back to Kearney -- I guess it's a total of
23 three times; is that right? The final one was the
24 one where --

25 A. Yes, I reached out to her in between to

1 let her know that I was going to come in to update
2 the report because things had happened.

3 Q. Did you direct Kearney to then request an
4 arrest?

5 A. No.

6 Q. How did that happen?

7 A. You'd have to ask her.

8 Q. So she does -- she makes that decision on
9 her own?

10 A. Correct.

11 Q. Are you friends with Stephanie Kearney?

12 A. I know Stephanie from work.

13 Q. How long have you known her?

14 A. I've been familiar or known of her for
15 however long she's been at the police department.
16 So you'd have to ask her. I don't know how long it
17 is.

18 Q. Have you ever been in her home?

19 A. Yes.

20 Q. Ever gone to parties with her?

21 A. I went to a bachelorette party that she
22 was at.

23 Q. What was the purpose of you being in her
24 home?

25 A. Our daughters played. So we would have

1 playdates with -- her daughter's the same age as
2 mine.

3 Q. Okay. Do they go to the same school?

4 A. No.

5 Q. How often have you been in Kearney's home?

6 A. Only a handful of times, if that.

7 Q. How many times has Kearney been in your
8 home?

9 A. A handful of times, if that.

10 Q. You ever buy her gifts?

11 A. No.

12 Q. She ever buy you gifts, birthdays,
13 anything like that?

14 A. No. She bought gifts for my daughter and
15 I've bought gifts for her daughter, birthdays,
16 things like that.

17 Q. You indicate in the restraining order that
18 you believe she was tracking you. Explain what you
19 mean by that and how you know that.

20 A. One -- one instance was I had gone to
21 Sanibel with my friend for work. She was working.
22 And I hadn't told anyone that I was going and Beth
23 sent me an e-mail and in the e-mail she said have
24 fun in Sanibel. I hadn't told anyone that I was
25 there, but she made a point of letting me know that

1 she knew I was there.

2 Q. And she also indicated that Bank of
3 America had called her because you had accounts at
4 one time?

5 A. That's not -- at one time we had an
6 account. At that time she was no longer on my
7 accounts. I called Bank of America to verify and
8 they said they had not made that call, and they
9 would not make that call because she was no longer
10 on my accounts.

11 Q. Okay. Did you ask her for phone records
12 to show that Bank of America hadn't contacted her?

13 A. No.

14 Q. Other than you presuming that that
15 happened, do you have any other evidence that she
16 somehow had something tracked on you?

17 A. I didn't presume. I called to verify that
18 that's not how it occurred.

19 Q. So how did she know where you were?

20 A. That's what I'd like for you to find out.

21 Q. So you don't have any evidence to
22 demonstrate that somebody didn't tell her, for
23 example, or Bank of America didn't clue her in?

24 A. Well, we found on -- on K [REDACTED]'s iPad
25 that's linked to Beth's phone that there was a GPS

1 tracking app that she could have used to track me or
2 Charlie because she did provide exact locations of
3 his whereabouts several times. She did verify via
4 e-mail more than one time that she was tracking my
5 WhatsApp.

6 Q. Could she read your messages?

7 A. I don't know what she was capable of
8 seeing or not seeing. You would have to find out
9 from her. But she did verify that she was in deed
10 tracking me through the WhatsApp.

11 Q. What's the time period for that?

12 A. She actually was sending Amy text messages
13 that I got screenshots and provided to Detective
14 Baker where she says they're talking right now,
15 they're on -- they're on the phone right now. And
16 that's what she knew from WhatsApp, from tracking my
17 WhatsApp.

18 Q. But that again is through Amy, who is
19 not --

20 A. That's a screenshot from Beth to Amy. And
21 I have copies of those screenshots.

22 Q. So this iPad that K [REDACTED] had, isn't that
23 her iPad that stays at your home?

24 A. Yes, but it has been in Beth's home.

25 Q. Okay. Doesn't K [REDACTED] have her own iPad

1 in Beth's home?

2 A. I don't know.

3 Q. You don't know if she has another
4 electronic device?

5 A. I know she has a phone. I don't know if
6 she has an iPad or not.

7 Q. So you find an application on K [REDACTED]'s
8 iPad, correct?

9 A. Correct.

10 Q. Fair to say you don't know how it got
11 there?

12 A. It had to -- it had to -- with 100 percent
13 certainty had to have gotten there with Beth's
14 knowledge because the only way that K [REDACTED] can
15 upload apps onto the iPad is with Beth's password,
16 which she did not have.

17 Q. How do you -- did you know Beth's
18 password?

19 A. No, I have no idea what her password is.

20 Q. You don't have her password?

21 A. I have no idea.

22 Q. That device requires something to be then
23 affixed electronically to whatever you're trying to
24 follow, right?

25 A. No, I don't know what you mean.

1 Q. If you're trying to track somebody,
2 wouldn't there have to be another component that
3 goes on to the car?

4 A. I don't know.

5 Q. Didn't you tell Kearney that?

6 A. I did not tell --

7 Q. That you didn't find anything on your
8 vehicle or Navarro didn't find anything on his
9 vehicle to indicate he was actually being tracked?

10 A. Because we didn't know until January of
11 2019 that there was a GPS tracker app.

12 Q. Bottom line is --

13 A. So the times that she was giving were
14 prior to that. So if there was a tracker, it could
15 have been removed.

16 Q. Would Charlie's car have ever been at
17 Beth's house for her to put a tracking device on it?

18 A. No. But Beth let me know via text message
19 that she knew where Charlie lived. So it would be
20 possible, because he has no garage, that she would
21 have been able to affix it at his house.

22 Q. So you don't have any direct proof that
23 she put anything on your vehicles or on your iPads
24 or anything like that, correct?

25 A. The only thing that I have is the things

1 that she has admitted to and the --

2 Q. Well, she never admitted that she put a
3 tracking device on your --

4 A. But you asked about the other thing. She
5 admitted to tracking the WhatsApp. I don't know
6 what she could track with the WhatsApp. If she can
7 determine location, I don't know that. I just know
8 that she was tracking me because she acknowledged
9 that she was.

10 Q. So that was known to you as early as when,
11 the WhatsApp?

12 A. I believe it was February of 2018.

13 Q. Why at that time didn't you say, you know
14 what, I want a restraining order?

15 A. She said she deleted it.

16 Q. And then post that you still continued
17 to --

18 A. It still continued.

19 Q. No, you continued to have communications
20 with her and outings and that sort of thing, right?

21 A. With -- in the presence of my daughter.

22 Q. Did you ever have a credit card or a bank
23 account with Charlie Navarro in the past five years?

24 A. I'm not comfortable answering that
25 question. I don't see the relevance.

1 Q. You can object or answer the question.

2 Have you ever had a credit card or a bank
3 account with Charlie Navarro in the past five years?

4 A. I don't feel comfortable answering that
5 question.

6 Q. You don't have a choice but to answer the
7 question.

8 A. Certify it. I do have a choice. Certify
9 it. If the judge directs me to answer the question,
10 I'll answer it.

11 MS. REID: Is there a particular reason
12 your fearful you don't want to answer it?

13 MS. KING: I'm not asking for account
14 numbers or --

15 THE WITNESS: I don't see what the
16 relevance is as far as what -- why she would
17 have to know.

18 MS. REID: Okay.

19 THE WITNESS: Can we -- would it be okay
20 to take a break anyway?

21 MS. REID: Sure.

22 THE WITNESS: Because it's super hot in
23 here.

24 (A recess was held at 1:31 p.m.)

25 (The deposition resumed at 1:42 p.m.)

1 BY MS. KING:

2 Q. We were talking -- we're kind of bouncing
3 around now. We were talking about the report
4 through Kearney that you ultimately kind of re-upped
5 in March. And you said that your chain of command
6 did know about some of these things as far as the
7 police report; is that right?

8 A. Correct.

9 Q. And one of those people was Captain
10 Crane-Baker?

11 A. That was through Stephanie. That was not
12 through me.

13 Q. Okay. And how are you aware of that?

14 A. I saw the e-mail that I'm assuming you're
15 looking at.

16 Q. And tell me about that. How or why was
17 Kearney communicating with Crane-Baker about it?

18 A. You'd have to ask her.

19 Q. Okay. So when these requests for
20 documents came through, you were then apprised or
21 shown the e-mails or did you pull your own e-mails?

22 A. No, I believe I was forwarded an e-mail
23 somewhere where Stephanie had sent it through Crane
24 Baker.

25 Q. Okay.

1 A. And so that's how I knew that she sent it
2 to Crane-Baker.

3 Q. So one of the communications indicates
4 that she was in a rush to put all this together,
5 that she only had a couple of days to get this to
6 the state attorney's office. And why was that, if
7 you know?

8 A. I have no idea.

9 Q. Did you ever ask Kearney to get this
10 paperwork together quickly before your trip to Key
11 West?

12 A. No.

13 Q. When you then communicated with Charlie
14 Jamieson's office when they were indicating, hey,
15 tell us where you're going to be with this child per
16 the marital settlement agreement, do you remember
17 that communication from them?

18 A. I did not -- I did not respond to
19 Ms. Gross until after the restraining order was
20 obtained.

21 Q. You never provided even to the attorney
22 the address of where you were taking K [REDACTED],
23 correct?

24 A. No, because my next communication with
25 her -- I received her e-mail after I had gotten the

1 restraining order. So my next communication with
2 Ms. Gross was I had received a restraining order.

3 Q. Okay.

4 A. And I made her aware of that.

5 Q. So if I'm looking at it correctly, you
6 have no knowledge or information as to why there was
7 a rush to get this to the state attorney's office in
8 two days time?

9 A. I have no idea.

10 Q. Okay. Kearney communicates this to
11 Crane-Baker and you are the subject of the report,
12 correct?

13 A. Of which report?

14 Q. Of the police report, right?

15 A. Correct.

16 Q. You're the complaining witness?

17 A. Correct.

18 Q. At 8:00 in the morning, if I understand
19 it, Bethany is asking you the address pursuant to
20 Paragraph 4 of the marital settlement agreement.
21 This is the day you filed the restraining order,
22 correct?

23 A. Correct.

24 Q. By 3:00 o'clock that afternoon or
25 thereabouts you file for the restraining order?

1 A. Correct.

2 Q. You don't answer her question of where
3 you're taking the child in between --

4 A. I did answer.

5 Q. I mean the particular address per the
6 marital settlement agreement.

7 You don't comply with the marital
8 settlement agreement is my question?

9 A. Correct.

10 Q. You then get an e-mail 4:00 o'clock time
11 frame from Bethany's lawyer asking where you're
12 taking the child, right?

13 A. She just asked -- she said if I didn't
14 comply that I would be subject to a violation and
15 lawyer's fees, I believe is what the e-mail said.

16 Q. And at that point you had already issued
17 the restraining order, so you never had to give up
18 the address where you were with Ms. Dunne, right?

19 A. I already had it in -- had the restraining
20 order.

21 Q. You had filed it?

22 A. It was approved by 4:00 just prior to when
23 she sent the e-mail. I didn't even read the e-mail
24 prior to that.

25 Q. But you can't deny that the context of

1 this is the communication is where are you taking
2 the daughter, and then you get the restraining
3 order, you don't answer where you're taking the
4 daughter, right?

5 A. I can deny that.

6 Q. Okay. That just happened to be
7 coincidence that she's asking you --

8 A. Correct.

9 Q. -- where you're taking her?

10 A. Correct. Because I didn't know she was
11 going to ask me that the night before when I started
12 filling out the paperwork for the restraining order.
13 I didn't know that she was going to ask me that
14 question the next day.

15 Q. Okay. Why didn't you just answer the
16 question?

17 A. As I stated in the e-mail, because of her
18 behaviors in the past, I didn't feel comfortable or
19 safe giving her that information. However, I would
20 provide her a telephone as K [REDACTED] has had for her
21 to contact K [REDACTED] at any point in time throughout
22 the day.

23 Q. Did you ever instruct K [REDACTED] not to tell
24 Bethany about Colleen?

25 A. No.

1 Q. Your relationship with Colleen?

2 A. Never.

3 Q. If K [REDACTED] told Bethany about Colleen and
4 your relationship with Colleen, is that the basis
5 for you to now have fear that she knows who Colleen
6 is? Because she can't help what the daughter tells
7 her.

8 A. The basis is that Beth started then
9 sending e-mails referencing Colleen, which is how
10 she started with Charlie and how she started with
11 other people -- my mom, with other people in my life
12 that she would start saying horrible things about
13 and start tracking. And that's where the fear came
14 from, because of her pattern of behavior.

15 Q. Did she say anything negative about
16 Colleen as far as who she was or --

17 A. It wasn't --

18 Q. -- disparaging her?

19 A. It wasn't that. It was the fact that she
20 was even now acknowledging her. And then that day,
21 you know, K [REDACTED] comes home and says "mom said to
22 thank Miss Colleen for taking care of me because you
23 don't," things like that, like, that she's telling
24 my daughter and trying to alter the relationship
25 between my daughter and me.

1 Q. So it's your testimony you've never
2 instructed K [REDACTED] not to talk to Bethany about
3 Colleen or other people?

4 A. Never. I encourage my daughter to tell
5 the truth all the time.

6 Q. You at one point file a complaint with the
7 Palm Beach Gardens Police Department about Bethany
8 asserting that you believed she was accessing law
9 enforcement databases unlawfully?

10 A. Correct.

11 Q. When was that?

12 A. December 12th, 2018.

13 Q. Okay. And at that point in time, what was
14 the basis for your assertion that that was
15 happening?

16 A. Bethany had sent me a picture of Amy
17 Johnson, and through my 20 years of experience in
18 law enforcement I recognized the background to
19 possibly be from DAVID, the DAVID system.

20 Q. And you --

21 A. So --

22 Q. You later found out you were wrong?

23 A. They never gave me any paperwork or
24 anything that stated that it wasn't that. They --
25 the sergeant called and said they didn't find

1 evidence of it, but I've never received any formal
2 paperwork or any decision on it.

3 Q. Well, you're aware as an IA officer --
4 probably you've investigated officers for unlawfully
5 accessing databases, right?

6 A. I -- no, I haven't. I've done audits, but
7 I have not actually investigated anyone for that.

8 Q. I mean, you realize that's a fireable
9 offense, right?

10 A. Every department's different.

11 Q. The state --

12 A. I was told by her assistant chief that it
13 was no big deal.

14 Q. The state attorney's office has prosecuted
15 officers for unlawfully accessing databases?

16 A. I don't know. I don't know. I'm not
17 aware of that.

18 Q. So you went off and contacted her employer
19 trying to get her in trouble for something you
20 assumed had happened, right?

21 A. No, trying to get her to stop using her
22 resources to try to seek out other people in an
23 attempt to put me in fear.

24 Q. The bottom line is you got word back that
25 she had not unlawfully accessed DAVID?

1 A. Approximately a month or so later.

2 Q. Okay. And you testified earlier your fear
3 is what she was going to do to you. So fair to say
4 you have actually undertaken steps to try to get her
5 in trouble with her job, right?

6 A. No. I asked that they have a conversation
7 with her and tell her to stop, stop doing it.

8 Q. But she wasn't doing it, she was cleared
9 of it, correct?

10 A. Just because she didn't use DAVID doesn't
11 mean she wasn't doing it because I have a picture to
12 prove that she was.

13 Q. Okay. You had testified earlier you
14 didn't want to do anything with this police report
15 that your own department created because you were
16 afraid, right?

17 A. At that time.

18 Q. And then you have the steps -- or you take
19 the steps to go to her own department, you weren't
20 afraid to do that?

21 A. I did not go there. I had her department
22 come to me because I was in fear of going to her
23 department.

24 Q. You had them drive down to Delray Beach?

25 A. Correct.

1 Q. And take a report?

2 A. And take a complaint.

3 Q. And then it was determined unfounded?

4 A. I don't know. I never saw the end result.
5 I've stated I don't know.

6 Q. She didn't do anything physically to you
7 after that, did she?

8 A. No. But the e-mails continued and the
9 name calling continued and everything that she had
10 done before continued.

11 Q. There was no retaliation. In other words,
12 she didn't say, hey, you got me in trouble with my
13 boss or why did you do that, that sort of thing,
14 right?

15 A. No, instead she told my daughter that she
16 was going to seek custody of her. She just went
17 through my daughter.

18 Q. So the fact that you had filed a complaint
19 with her with her own boss didn't come back to you
20 as far as any sort of threatened harm, correct?

21 A. She didn't reference it, but the behaviors
22 that put me in fear did not stop.

23 Q. You didn't file a restraining order at
24 that point?

25 A. That was when I went back to Ms. -- to

1 Detective Baker to tell her what was going on and
2 tell her that I was going to seek a restraining
3 order.

4 Q. Did you put in the report that you found
5 out from the department that she wasn't using DAVID?

6 A. I didn't write that report, ma'am.

7 Q. Did you tell her, hey, I --

8 A. I told --

9 Q. -- found out I was wrong?

10 A. I told her that I went to the
11 department -- that the department came to make a
12 complaint and what they advised me the outcome was.
13 However, I never received anything formally to let
14 me know that that was true.

15 Q. Okay. The report talks a lot about, you
16 know, 44,000 communications and then a handful are
17 pulled out. Then she names the number in here. But
18 fair to say your content of communications isn't --
19 isn't contained in here other than stop texting me,
20 right?

21 A. The content -- I allowed the detective to,
22 what we say, dump my phone so that all
23 communications were available.

24 Q. So you provided -- you provided -- is it
25 Trapasso?

1 A. Yes.

2 Q. And that's T-R-A-P-A-S-S-O.

3 This was in January. It says January 17th
4 of 2019. Is that right?

5 A. I don't know the exact date, but if that's
6 what the report says, then --

7 Q. Is it your testimony that you gave
8 Trapasso or Kearney your phone without limitation to
9 download?

10 A. Correct. I took my password off my phone
11 and provided them my phone to download the text
12 messages.

13 Q. And where is -- I have the Cellebrite
14 report. Where is the phone dump?

15 A. That's -- you'd have to ask Detective
16 Kearney.

17 Q. It should be in evidence?

18 A. Correct.

19 Q. So in that you then -- did you get a copy
20 of the Cellebrite report?

21 A. Not when it was dumped, no.

22 Q. Do you have one now?

23 A. I do not have a copy, no.

24 Q. Okay. Your communications with her, fair
25 to say, are numerous, correct, in the span of your

1 complaint starting in September of 2017 to when you
2 attempted to have her arrested, right?

3 A. I did not attempt to have her arrested,
4 ma'am.

5 Q. When the report was filed and it had to
6 get rushed to the state attorney's office?

7 A. I did not create the rush.

8 Q. Okay. My question to you is you created
9 thousands of e-mails and communications with her
10 over this time span?

11 A. No. If you go back to the text messages
12 and the e-mails, you will see that the majority of
13 them are originated by Beth.

14 Q. Okay. Do you have a number to that?
15 Because that tells me --

16 A. I don't. You have to go back and see.

17 Q. -- you maybe have the report.

18 A. I'm telling you because I lived it. I was
19 the victim. I was the one in fear. I know.

20 Q. But you never stopped texting her back,
21 right?

22 A. Because some of the texts were leave me
23 alone, stop texting me, only communicate with me
24 when it --

25 Q. Why not just stop? Like, you know with

1 children, if you ignore them, right, sometimes --

2 A. Because that doesn't work. It doesn't
3 work with her. I've tried. It doesn't work. I
4 went as far as telling her she could -- blocking her
5 on my phone and getting another text app for
6 emergency purposes only having to do with K [REDACTED]
7 and that didn't work.

8 I then told her she was not allowed to
9 text me at all, she could only communicate about
10 K [REDACTED] via e-mail, and that didn't work.

11 So I took steps to attempt to get her to
12 stop harassing me and nothing worked. The only
13 thing that worked, ma'am, was in these last six
14 weeks was the restraining order. That's the only
15 thing that has worked to keep her from stop doing
16 what she's doing.

17 Q. So you then go to dinner with her -- this
18 is the part -- the communication just isn't stop
19 texting. It's stop texting me, okay, I like how
20 you're treating me now, let's go to dinner, or stop
21 texting me, thank you for the handbag, right?

22 A. No, I don't -- do you have text messages
23 that you could show me that say that? Because I
24 don't recall saying that.

25 Q. That you received gifts from her?

1 A. Right. But you're saying something
2 verbatim and I did not say that.

3 Q. You thank -- you thank her for the watch.

4 A. Yes, she gives -- she gives me gifts.

5 Q. And you thank her by text message, right?

6 A. I thank her, yes.

7 Q. Okay.

8 A. What watch?

9 Q. The Fitbit.

10 A. Oh.

11 Q. There comes a point in time when you also
12 contact DCF?

13 A. Incorrect.

14 Q. Okay. Who contacts DCF to have her
15 investigated for child abuse or whatever it is?

16 A. The state attorney's office.

17 Q. On their own contacted DCF?

18 A. Correct. I was contacted by the state
19 attorney's office victim advocate and she told me
20 they contacted DCF. I had nothing to do with that.

21 Q. Okay. There wasn't an officer in your
22 department involved with it?

23 A. You asked me who contacted DCF.

24 Q. Right.

25 A. I did not contact DCF, nor did anyone in

1 my department contact DCF. Proper protocol for DCF
2 is whenever they investigate a crime, the local law
3 enforcement agency goes with them.

4 Q. So who was the -- who was the officer in
5 your department that went with them?

6 A. Officer Robertson.

7 Q. Okay. And what's his first name?

8 A. She.

9 Q. What's her first name?

10 A. Her name is Roxanne Robertson.

11 Q. What was the basis for the complaint to
12 DCF? What did you tell DCF as far as --

13 A. I did not speak with DCF. They came to my
14 house for an investigation. I never had contact
15 with them prior to them contacting me and saying a
16 report was generated, we need to discuss it with
17 you. Prior to that, I had no contact with DCF
18 whatsoever.

19 Q. You have pled in the report as well as
20 restraining order that you don't fear for K [REDACTED]'s
21 safety?

22 A. No.

23 Q. Okay. So you're allowing somebody that
24 you feel is unstable and has incessant
25 communications with you to still have communications

1 with the daughter?

2 A. Correct.

3 Q. So you don't feel there's any physical
4 threat or that sort of thing with your daughter in
5 her home?

6 A. Correct.

7 Q. Or anywhere else for that matter?

8 A. Correct. Her obsession is with me, not
9 with K[REDACTED]. My fear is for me, not for K[REDACTED].

10 Q. In the restraining order, you indicate --
11 or the court indicates she's not to have contact
12 with Colleen Dunne. Why is Colleen Dunne restricted
13 on this list?

14 A. Because anyone that is in my life Beth
15 becomes obsessed with. She's -- that's her pattern.
16 That's what she does. That's why she was included.

17 Q. You included -- these are names you
18 included?

19 A. I put them on the restraining order.

20 Q. And you also include Stephanie Baker?

21 A. Correct.

22 Q. Why?

23 A. Because Beth had actually one night gone
24 to Stephanie's house to try to engage with her
25 regarding the -- whatever she wanted to talk to

1 Stephanie about about me. So my fear was that she
2 would try to do that again. She knows who Stephanie
3 is.

4 Q. When was that?

5 A. That was before she left my house. We
6 were separated, but before she left my house.

7 Q. So this was back in 2018 in --

8 A. I don't know.

9 Q. During the separation?

10 A. Yeah. I don't know the exact date, but
11 she had gone to Stephanie's house. So I knew she
12 knew where Stephanie lived and I was concerned for
13 her safety.

14 Q. So if the separation was in April of 2017,
15 or the start of it anyway, somewhere between then
16 and then when you ultimately make the report in
17 September; is that fair to say?

18 A. Yes.

19 Q. Okay. And then the very same officer is
20 the one now writing the report?

21 A. Correct.

22 Q. You don't see a conflict there?

23 A. She witnessed it. She saw. She knew.
24 She was the detective that investigated the
25 stalking.

1 Q. How come none of that is in the report?

2 A. I don't know.

3 Q. So what did -- what did Kearney or Baker
4 tell you that Bethany did or said?

5 A. I don't remember. You'd have to ask her
6 the exact. I don't remember exactly what she said.

7 Q. So she went to her as a friend?

8 A. They were not friends.

9 Q. Then why would she go to her? Because she
10 wouldn't have known at that time you were having her
11 investigated, right? You kept this a secret.

12 A. I wasn't having her investigated yet. I
13 wasn't having her behaviors investigated at that
14 time. It was prior to.

15 Q. When did you know that Bethany went to
16 speak to Stephanie?

17 A. Before she left my home.

18 Q. Okay. So sometime when she was still
19 living there?

20 A. Uh-huh.

21 Q. And then you then asked that person, who's
22 a witness in the case, to investigate?

23 A. I did not ask her to investigate the case.
24 It was her case. It was -- she was the stalking
25 detective. She was the detective that investigated

1 stalking. So the case was hers because she was the
2 only one in the department that did it.

3 Q. Wouldn't you have said because she's come
4 to you before and you're a witness and it sounds
5 like friendly enough to know where she lives and
6 everything else, hey, we need to have another
7 officer?

8 A. The only reason she knew where she lived
9 was because our daughters would play. That's the
10 only reason. Beth and her were not friends. And at
11 that time, Stephanie and I were really not friends.

12 Q. But she felt comfortable enough going and
13 talking to her, right?

14 A. Which is alarming.

15 Q. My question to you is as the IA --
16 ultimately an IA lieutenant, there was no problem in
17 your mind -- because there's nowhere in this report
18 that it says, I, the reporting officer, had
19 firsthand knowledge --

20 A. No, I see no problem.

21 Q. -- of Bethany inquiring --

22 A. No, I see no problem with it.

23 Q. You have no problem with that?

24 A. No. I live in the jurisdiction. So does
25 Beth. The fear was there.

1 Q. I'm asking about Stephanie.

2 A. Yeah, but if you read that report, there's
3 no opinion in that report whatsoever. The only
4 thing listed in that report are facts, facts of the
5 text messages, facts of the fear, facts. There's no
6 opinion from Detective Baker at all.

7 Q. Baker doesn't disclose that she was a
8 witness. You're claiming she had firsthand
9 witness -- she's a witness.

10 A. If you have an issue with that, ma'am, you
11 can bring it to public corruption. I did not have
12 an issue with it.

13 Q. All right. So did you communicate with
14 Kearney or Baker, it's the same person, by e-mail on
15 your personal e-mail or any other capacity about
16 this case?

17 A. No.

18 Q. You're indicating no e-mails would have
19 transpired?

20 A. No.

21 Q. How about personal text messages you to
22 Kearney?

23 A. No. The only text messages that we had
24 were personal text messages or something saying who
25 is -- she asked me who Jafar was and who -- I forget

1 the other name of the pet. Just clarification of
2 names that were -- of K [REDACTED]'s pets.

3 Q. Why? Why is that relevant?

4 A. Because she was reading things with names
5 in it that she doesn't know who it was. So she
6 asked me who's Jafar and who's --

7 Q. How many times was Bethany --

8 A. I can't remember the fish.

9 Q. -- pet-sitting for you post separation?

10 A. I don't -- I didn't keep track. I don't
11 remember.

12 Q. Does that mean it's numerous?

13 A. No. Maybe twice.

14 Q. Does that mean you -- you allowed her in
15 your home?

16 A. No. The dog went with my daughter to her
17 home.

18 Q. Okay. Has Bethany been in your home post
19 separation?

20 A. Yes. I advised earlier that if there were
21 issues with K [REDACTED] where we had some disciplinary
22 issues at the time where Beth and I were getting
23 along, she would come into my home and we would
24 address the issues together.

25 Q. Are you friends with a Dani Moschella?

1 A. Yes.

2 Q. Who is Dani Moschella?

3 A. Public information officer.

4 Q. For Delray Beach Police Department?

5 A. Correct.

6 Q. Are you close friends?

7 A. Yes.

8 Q. Have you been to her home?

9 A. Yes.

10 Q. Vice versa?

11 A. Yes.

12 Q. How many times do you think you've

13 socialized with Dani Moschella?

14 A. I have no idea.

15 Q. How about Andy Minnick?

16 A. I don't know an Andy Minnick.

17 Q. K9 officer.

18 A. Andy Mintus.

19 Q. How does he spell his last name?

20 A. M-I-N-T-U-S.

21 Q. T-U-S?

22 A. Yes.

23 Q. And are you friends with Andy Mintus?

24 A. Yes.

25 Q. How long have you been friends with Andy?

1 A. He works at the Delray Beach Police
2 Department. So I've known him for several years.

3 Q. Have you ever been to him -- to his house?

4 A. Once.

5 Q. When was that?

6 A. I believe that was either April or May of
7 2017.

8 Q. And what was the purpose in going to his
9 house in April of 2017?

10 A. There was a gathering after Christine
11 Braswell's memorial.

12 Q. Were there a number of Delray Beach police
13 officers there?

14 A. Yes.

15 Q. Other than Moschella and Mintus, who else
16 was there from your department?

17 A. I don't remember.

18 Q. Were any of the chiefs there?

19 A. No.

20 Q. Were any of the other higher-ups there?
21 Assistant chiefs?

22 A. I don't remember.

23 Q. What -- did you ever change your phone
24 number from the number where you allege you received
25 all these text messages?

1 A. No.

2 Q. All right. Is it 767-6144?

3 A. Yes.

4 Q. And her number --

5 A. Who's her?

6 Q. Bethany. 512-8171?

7 A. Yes.

8 Q. And what provider is your phone?

9 A. Verizon.

10 Q. When you were communicating either through
11 your lawyer or -- it sounds like you've had direct
12 communication with the Jamieson law firm -- did you
13 ever indicate in the process, the divorce process,
14 or even after the fact, after that time, your demand
15 to limit contact with Bethany in any capacity?

16 MS. REID: I'm going to object to form.
17 Don't answer as it pertains to what you
18 said to your attorney.

19 MS. KING: I'm --

20 MS. REID: Because it --

21 BY MS. KING:

22 Q. I'm talking about you -- did you ever
23 communicate to the Jamieson law firm? Because you
24 have communicated with them without --

25 A. Post, post divorce.

1 Q. Okay.

2 A. About -- the only communication I've had
3 has been post restraining order regarding
4 time-sharing.

5 Q. And in those communications about
6 time-sharing, do you ever make a demand for
7 limitation with your communications to Bethany or
8 vice versa?

9 A. I didn't have to because there was a
10 restraining order in place. So I'm pretty sure that
11 that covered it.

12 Q. Okay. You get divorced in 2018. Fast
13 forward whatever number of months. You never
14 indicate to Jamieson law firm, hey, tell your client
15 I don't want to communicate with her?

16 A. I had no communication with her law firm.

17 Q. And regardless of what you told your
18 lawyer, are you aware of your lawyer ever
19 communicating to the Jamieson law firm, listen,
20 we've got to work on communication between these
21 women because it's something that she's fearful,
22 meaning you, is fearful about?

23 MS. REID: Your communication with the
24 Jamieson law firm.

25 THE WITNESS: I never communicated

1 directly with the Jamieson law firm.

2 BY MS. KING:

3 Q. Are you aware if your lawyer did by
4 correspondence or any other way to Jamieson?

5 A. Yes, she communicated with him often. She
6 was my attorney on the divorce case.

7 Q. Okay. Was there any effort through your
8 lawyer or individually to limit the communications
9 legally using the marital settlement process, in
10 fact, the same judge as the restraining order, to
11 say, listen, we're only going to have communications
12 and they're going to be, you know, in this template
13 or about this subject?

14 THE WITNESS: If I answer that, I have to
15 tell her about the communication between me and
16 my lawyer.

17 MS. REID: Then you can't answer it.

18 BY MS. KING:

19 Q. Are you aware through the divorce process
20 any factor discussed about limitation of
21 communication with Bethany?

22 In other words, how you would communicate
23 with her post divorce?

24 A. I know the conversations I had with my
25 attorney. Whether or not my attorney had

1 conversations with her attorney about that, I cannot
2 say.

3 Q. I understand.

4 Fair to say you've read the marital
5 settlement agreement?

6 A. Correct.

7 Q. And there's no indication to Judge Burton,
8 the very same judge as the restraining order, hey,
9 I'm afraid of this person, this divorce isn't
10 amicable, I'm afraid and I don't want communications
11 or I want them to be limited?

12 A. It's not in the marital settlement
13 agreement.

14 Q. Right. The judge has no knowledge of
15 that?

16 A. No.

17 Q. You didn't take it through a legal process
18 through the divorce?

19 A. Not to my knowledge.

20 Q. When you filed the petition for the
21 restraining order, did you attach the police report?

22 A. Yes.

23 Q. Are you friends with Christopher Trapasso?

24 A. Not friends. I know of him. He works for
25 my agency.

1 Q. You mention in the report the therapist.
2 Are you all trying to communicate with each other
3 through the therapist at times? Has that ever
4 worked?

5 A. No, I don't discuss Beth with the
6 therapist. I discuss K [REDACTED] with the therapist.
7 Beth is the one whose indicated via e-mail that she
8 discusses me with K [REDACTED]'s therapist.

9 Q. You said you saw something on her phone,
10 but you have no, I guess, electronic evidence of
11 that or you didn't screenshot it or anything like
12 that.

13 In other words, is there anything else
14 that you have other than --

15 A. Yes, I have Beth's admission via text
16 message that she was tracking me with that app and
17 that she would stop doing it, she was sorry, and
18 that she deleted it. I have her confirmation via e
19 -- via text message. I apologize. Via text
20 message.

21 Q. Is that what you're claiming you saw on
22 the phone was that app?

23 A. I saw the app, yes.

24 Q. Okay. And you confronted her at that
25 time?

1 A. Yes.

2 Q. You accepted her apology?

3 A. We had a conversation about it via text
4 message.

5 Q. And what happened after that?

6 A. She told me she was going to delete it.
7 Again, naively, I believed her.

8 Q. Well, do you have any reason to believe
9 that it went on after that?

10 A. Yes.

11 Q. How or why?

12 A. Because she would -- as I said earlier,
13 she contacted Amy on three different -- I believe it
14 was three different occasions saying they're on --
15 they're on-line now, which is what the app tells
16 you, I know for sure. Nicole's on-line, Charlie's
17 on-line, they're on-line now, they're talking now,
18 three different occasions. I have screenshots of
19 that, Beth's communication with Amy.

20 Q. But Amy's never provided any information
21 to Kearney; is that right?

22 A. She did not talk to her.

23 Q. Do you know why?

24 A. You have to ask her.

25 Q. Do you have a good relationship with Amy?

1 A. I don't know Amy from -- if I bumped into
2 her, I wouldn't know it was her.

3 Q. She just gave you screenshots?

4 A. No. I got the screenshots through
5 Charlie.

6 Q. Okay. So my impression is that you
7 believe Bethany was trying to cause a problem with
8 your relationship with Charlie, whatever the nature
9 of that is?

10 A. No. I believe that she was obsessed with
11 Charlie and that she was trying to target him in an
12 attempt to get at me and to put me more in fear, to
13 let me know. Because she had said different things
14 like "it's in your best interest to stay away from
15 him" and different comments like that that put me in
16 fear of having him in my life.

17 Q. So what's Amy's relationship to Charlie?
18 His wife or what?

19 A. No, I don't -- I told you before you'd
20 have to find out from them. I don't ask him those
21 questions. That's not my business. He's not
22 married, I know that. That's -- his relationship
23 with her is not my business.

24 Q. You talk to him daily?

25 A. Yeah, but we don't talk about Amy.

1 Q. Have you ever threatened Bethany?

2 A. No.

3 Q. That you would get her in trouble with law
4 enforcement, that you would have her arrested?

5 A. No. I told her that early on after the
6 initial reports that I had gone and made the report.
7 I told her that there was enough there to have her
8 arrested, but that's not what I wanted. I advised
9 her of that. I told her that.

10 Q. And when was that?

11 A. That was in -- I don't know. Sometime
12 after October 2017. But, again, if you go through
13 the text messages, you'll find it.

14 Q. It sounds like Kearney indicated to you
15 about, you know, what do you want to do as far as
16 filing stalking charges. And you told her you felt
17 the best thing for you to do, meaning you're talking
18 to Kearney, would be to go to the courthouse and you
19 were going to complete an injunction, and that was
20 in 2017.

21 Why did you not complete the injunction,
22 as you told Kearney you would at that time?

23 A. I don't recall. Does the report say I
24 said I was going to do that or that she suggests
25 that I do that?

1 Q. The best thing for her -- I inquired about
2 moving forward with stalking charges. Nicole stated
3 that she feels the best thing for her to do would go
4 to the courthouse and complete an injunction order.

5 A. And what date was that?

6 Q. September of 2017, September 16th.

7 A. I did not do it because I was in fear of
8 Beth then being put on administrative leave, which
9 is something I also expressed to her afterwards, to
10 Beth, that she be put on administrative leave and
11 have more time to think about how she was going to
12 retaliate against me.

13 Q. The report indicates that you found out
14 Bethany was suspended for an issue unrelated to her.
15 What is that about?

16 A. Beth lied to me. She said that Amy came
17 to her job and got her in trouble and she got
18 suspended due to that, that she was going to miss
19 out on 30 days of pay, she was suspended from work
20 for 30 days. But in actuality, she got -- her
21 vehicle was suspended for 30 days, not her. She
22 wasn't allowed to use her vehicle for 30 days, but
23 she was allowed to go to work.

24 Q. Because of this Amy person?

25 A. No, it had nothing to do with Amy. That

1 was a lie.

2 Q. So how did you uncover all of that?

3 A. Well, I have snapshots -- screenshots of
4 her coming to my house in uniform right afterwards
5 dropping things off in the front for K [REDACTED], which
6 supports the fact that she did go to work.

7 Q. No, how did you find out about this Amy --
8 whole drama with Amy and --

9 A. Beth told me.

10 Q. Okay.

11 A. Beth was the one who told me.

12 Q. By text message?

13 A. Yes. And via -- she was FaceTiming
14 K [REDACTED] and started the conversation that way when
15 she was FaceTiming K [REDACTED] that she had been
16 suspended.

17 Q. Who was your accountant that was involved
18 in the communications about tax credits? What's his
19 name?

20 A. David Tifern (phonetic).

21 Q. Did you have adoption lawyers help with
22 the adoption with K [REDACTED]?

23 A. It was through DCF, I believe. We
24 fostered K [REDACTED] first.

25 Q. Right.

1 And who's your contact at DCF for that?

2 Like, was there a main person you worked with?

3 A. I have -- I have no idea.

4 Q. You would agree that there are significant
5 time periods, as substantiated by the text messages,
6 where you all are getting along with each other?

7 A. How do you define significant time
8 periods?

9 Q. Well, let me ask you this: Were there
10 periods of time, as evidenced by the text messages,
11 where you were getting along with Bethany?

12 A. Yes.

13 Q. And Bethany was getting along with you?

14 A. Yes.

15 Q. Can you put a time frame to that as far as
16 weeks?

17 A. No.

18 Q. Months?

19 A. No.

20 Q. There was a time when you discussed having
21 Thanksgiving dinner together?

22 A. Yes.

23 Q. What time frame was that?

24 A. Thanksgiving time.

25 Q. What year?

1 A. I don't know.

2 Q. What did Kearney tell you about her
3 insight into the case?

4 What did Kearney tell you as a victim in
5 this case about -- especially since she had this
6 kind of inside knowledge of Bethany and having that
7 contact with her? What did she tell you?

8 A. She didn't provide me any insight.

9 Q. Just what's in the report?

10 A. Correct.

11 Q. During the time period that there was a
12 suggested abatement of the divorce proceedings, what
13 was the nature of your relationship during that time
14 period?

15 This would have been from February of 2018
16 through, like, that 90 day suggested time period?

17 A. I never made that suggestion. I never
18 agreed to an abatement, as you put it. I don't know
19 the context of that because I never agreed to that.

20 Q. Well, the time period February 23rd, for
21 the 90 days after that, what was the nature of the
22 relationship during that time frame?

23 A. In 2018?

24 Q. Yes.

25 A. That's -- in February 2018 is when I found

1 out she was tracking my WhatsApp.

2 Q. What time period?

3 A. February 2018.

4 Q. Did you indicate that to your attorney?

5 A. Yes.

6 Q. Does DCF still come to your home to check
7 up on the well-being of K [REDACTED] and the status of
8 things there?

9 A. No.

10 Q. There's no obligation to report back about
11 her well-being?

12 A. No.

13 Q. To anybody?

14 A. No.

15 Q. Okay.

16 A. Are you trying to remove the child from my
17 home?

18 Q. No. Just asking.

19 Is everything you told DCF in the context
20 of adopting the child true?

21 A. At that time.

22 Q. Have you advised the current chief of the
23 status of this?

24 I know we talked about your other
25 higher-ups, but have you talked to anybody else in

1 the department as far as, you know, what's going on
2 with this or apprising them other than the folks
3 that we talked about?

4 A. I'm a little bit confused because at first
5 you asked did I make the chief aware and then you
6 changed it.

7 Q. The current chief, the new one.

8 A. So it went through the chain of command,
9 and he's been made aware through the chain of
10 command.

11 Q. Did you talk to him directly about it
12 or --

13 A. No.

14 Q. Then who would have -- who would have told
15 him?

16 A. It would have been the assistant chief.

17 Q. And how do you know that?

18 A. Because it's -- the chain of command would
19 go from captain to assistant chief to chief.

20 Q. Right. But were there e-mails that told
21 you that? Did you --

22 A. No. You're asking me --

23 Q. You just assumed?

24 A. Yeah.

25 Q. Okay. Would there be documentation about

1 that?

2 A. You'd have to ask them.

3 Q. So you're just assuming based on protocol
4 that that's what would have happened?

5 A. Correct.

6 Q. So you write in this restraining order
7 petition that the consistent text messages and
8 e-mails, which total 46,000 from 2017 to 2018, have
9 not only caused me substantial emotional distress,
10 but they've also created a well founded fear and
11 concern for safety, right?

12 A. Yes.

13 Q. You would agree that that impression, that
14 there are 46,000 e-mails or text messages, is not
15 accurate because some of those were your own,
16 correct?

17 A. There are 46,000 text messages.

18 Q. Between the two of you, right?

19 A. Correct.

20 Q. Okay. So it's not -- you cannot represent
21 to Judge Burton that this is one-sided, that you
22 didn't have some communication on the other side of
23 this?

24 A. No. And I don't believe in that petition
25 I said 46,000 text messages from her. I just stated

1 that there were 46,000 text messages.

2 Q. You state consistent text messages and
3 e-mails which total 46,000 have not only caused me
4 distress.

5 A. Right.

6 Q. But in that --

7 A. And I didn't say 46 from her.

8 Q. But in that total, there are your own
9 messages, correct?

10 A. No, they're not 46,000 of my own messages.

11 Q. In that total, it would be between you and
12 Bethany?

13 A. Correct.

14 Q. Your emotional distress that you're
15 alleging here, have you sought treatment for that?

16 A. I see a therapist.

17 Q. Okay. Well, we talked earlier in the
18 context of the death of your friend. Is that the
19 same therapist?

20 A. Correct.

21 Q. Did you have an intimate relationship with
22 Braswell?

23 A. No.

24 Q. Have you taken steps to make inquiry about
25 Bethany, what she's doing, where she is?

1 Other than contacting her police
2 department where she works --

3 A. No.

4 Q. -- have you taken any steps to --

5 A. No.

6 Q. Have you contacted her family?

7 A. No.

8 MS. KING: Okay. I don't think I have any
9 further questions.

10 MS. REID: We'll waive.

11 (Witness excused.)

12 (The deposition was concluded.)

13 - - -

14 S T I P U L A T I O N

15 - - -

16 It was stipulated by counsel for the
17 respective parties and the witness that reading,
18 examination, and signing of the deposition are
19 waived.

20 - - -

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CERTIFICATE OF OATH

THE STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I, Beth L. Kelly, Florida Professional
Reporter, Notary Public, State of Florida, certify
that NICOLE GUERRIERO personally appeared before me
on the 30th day of April, 2019, and was duly sworn.

WITNESS my hand and official seal this 9th
day of May, 2019.



BETH KELLY
MY COMMISSION # FF 940331
EXPIRES: January 7, 2020
Bonded Thru Budget Notary Services

Beth L. Kelly, FPR
Notary Public, State of Florida

1 CERTIFICATE OF REPORTER

2
3 THE STATE OF FLORIDA)

4 COUNTY OF PALM BEACH)

5
6 I, BETH L. KELLY, Florida Professional
7 Reporter, certify that I was authorized to and did
8 stenographically report the deposition of NICOLE
9 GUERRIERO; that a review of the transcript was not
10 requested; and that the transcript, Pages 1 through
11 111, is a true and complete record of my
12 stenographic notes.13 I further certify that I am not a
14 relative, employee, attorney, or counsel of any of
15 the parties, nor am I a relative or employee of any
16 of the parties' attorney or counsel connected with
17 the action, nor am I financially interested in the
18 action.19 The certification does not apply to any
20 reproduction of the same by any means unless under
21 the direct control and/or direction of the reporter.

22 Dated this 9th day of May, 2019.

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Last Activity: Time	Participants	Id	From	To	Participants Title	Body	Status	Timestamp	Timestamp: Time
4/24/2017 3:21:55 PM(UTC+0)	+15615128171 +15617676144	11	+15615128171			Can you please call one of the counselors I sent to you?	Read	4/24/2017	4/24/2017 2:22:55 PM
4/24/2017 3:21:55 PM(UTC+0)	+15615128171 +15617676144	12	+15615128171			Yeah it's a really bad idea, but that's not for me to tell you. Sometimes you just have to see through it.	Read	4/24/2017	4/24/2017 2:23:22 PM
4/24/2017 3:21:55 PM(UTC+0)	+15615128171 +15617676144	13	+15617676144	+15615128171	+15615128171	A bunch of us went to Andy's house & Ghost bit Dani on the forehead	Sent	4/24/2017	4/24/2017 2:23:30 PM
4/24/2017 3:21:55 PM(UTC+0)	+15615128171 +15617676144	14	+15617676144	+15615128171	+15615128171	Freaked me out	Sent	4/24/2017	4/24/2017 2:23:41 PM
4/24/2017 3:21:55 PM(UTC+0)	+15615128171 +15617676144	15	+15615128171			Babe please don't take this as me telling you what to do because it's not. I'm speaking to you from a place of genuine concern and worry.... the drinking stuff has to come to some sort	Read	4/24/2017	4/24/2017 2:24:59 PM
4/24/2017 3:21:55 PM(UTC+0)	+15615128171 +15617676144	16	+15615128171			I'd really like to try and help you find a healthier way perhaps to handle the stress and stuff	Read	4/24/2017	4/24/2017 2:25:46 PM
4/24/2017 3:21:55 PM(UTC+0)	+15615128171 +15617676144	17	+15617676144	+15615128171	+15615128171	The drinking is done. I did it twice in two weeks. That's not bad	Sent	4/24/2017	4/24/2017 2:26:14 PM
4/24/2017 3:21:55 PM(UTC+0)	+15615128171 +15617676144	18	+15615128171			How would that be explained if she suffered a major injury?	Read	4/24/2017	4/24/2017 2:26:19 PM
4/24/2017 3:21:55 PM(UTC+0)	+15615128171 +15617676144	19	+15617676144	+15615128171	+15615128171	The gym is what helps me. So that is what I will do	Sent	4/24/2017	4/24/2017 2:26:26 PM

ATTACHMENT C

5 X ✓ fx A bunch of us went to Andy's house & Ghost bit Dani on the forehead

Instant Message #	From	To	Participants	Timestamps	Subject	Body	Status	Platform	Location	Timestamp: Date	Timestamp
7	+15615128171					Yeah ok	Read	Unknown		4/25/2017	4/25/2017
8	+15617676144	+15615128171	+15615128171			Went to the gym and sweat it out a little bit	Sent	Unknown		4/25/2017	4/25/2017
9	+15617676144	+15615128171	+15615128171			Strength day, my favorite	Sent	Unknown		4/25/2017	4/25/2017
10	+15615128171					Nice!!!! That's good babe, I'm glad you made time for yourself to fit it in	Read	Unknown		4/25/2017	4/25/2017
11	+15615128171					How's Dani's head?	Read	Unknown		4/25/2017	4/25/2017
12	+15617676144	+15615128171	+15615128171			Sore	Sent	Unknown		4/25/2017	4/25/2017
13	+15615128171						Read	Unknown		4/25/2017	4/25/2017
14	+15615128171					I'm pretty positive I'll never touch alcohol again	Read	Unknown		4/25/2017	4/25/2017
15	+15617676144	+15615128171	+15615128171			That's good	Sent	Unknown		4/25/2017	4/25/2017
16	+15615128171					Jason just gave me one of the yellow shirts for Christine...	Read	Unknown		4/25/2017	4/25/2017
17	+15617676144	+15615128171	+15615128171			That was nice	Sent	Unknown		4/25/2017	4/25/2017
18	+15617676144	+15615128171	+15615128171			I had to pay \$15 for mine	Sent	Unknown		4/25/2017	4/25/2017

Chats

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
2 CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

3 CASE NO.: 2019DR002547XXXXSB
4 DIVISION: FX

5 NICOLE GUERRIERO,

6 Petitioner,

7 vs.

8 BETHANY FEDORENCHIK GUERRIERO,

9 Respondent.

10 _____/

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15 - - -
16 DEPOSITION OF COLLEEN DUNNE
17 A WITNESS
18 TAKEN BY THE RESPONDENT
19 - - -
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24 MONDAY, MAY 6, 2019

25 12:32 P.M. - 1:33 P.M.

ATTACHMENT D

1 I N D E X

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3 MONDAY, MAY 6, 2019

4 COLLEEN DUNNE

5 DIRECT CROSS REDIRECT RECROSS

6 By Ms. King 4

7 By Ms. Reid (No questions asked.)

8

9

10 E X H I B I T S

11

12 RESPONDENT'S DESCRIPTION ID'D MARKED

13

14 (No exhibits marked.)

15

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17

18 C E R T I F I E D Q U E S T I O N

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20 Page 12, Line 16

21

22

23

24 Signature letter to Colleen Dunne

25 Errata Sheet (to be forwarded on execution)

1 The deposition of COLLEEN DUNNE, a Witness
2 in the above-entitled and numbered cause, was taken
3 before me, Beth L. Kelly, Florida Professional
4 Reporter, Notary Public for the State of Florida at
5 Large, at Law Offices of Nellie L. King, PA, 319
6 Clematis Street, Suite 107, in the City of West Palm
7 Beach, County of Palm Beach, State of Florida, on
8 Monday, the 6th day of May, 2019.

9

10 APPEARING ON BEHALF OF PETITIONER:

11 ANDREA REID, ESQ.
12 THE REID LAW GROUP
13 2101 NW Corporate Boulevard, Suite 410
14 Boca Raton, FL 33431
15 (561) 948-5685

16

17 APPEARING ON BEHALF OF RESPONDENT:

18 NELLIE KING, ESQ.
19 LAW OFFICES OF NELLIE L. KING, PA
20 319 Clematis Street, Suite 107
21 West Palm Beach, FL 33401
22 (561) 833-1084

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1 THEREUPON,

2 COLLEEN DUNNE,

3 having been first duly sworn by me, was examined and

4 testified as follows:

5 THE WITNESS: I do.

6 DIRECT EXAMINATION

7 BY MS. KING:

8 Q. All right. Can you state your name for
9 the record?

10 A. Colleen Dunne.

11 Q. And where do you work?

12 A. State attorney's office in Monroe County.

13 Q. And how long have you worked there?

14 A. I started in 2000 and left in 2004, came
15 back in 2009 to the present.

16 Q. What year did you graduate from law
17 school?

18 A. '96.

19 Q. All right. So let's start from your
20 graduation. What was your first law school -- or
21 job out of law school?

22 A. I worked with Martin Weinberg and --
23 Martin Weinberg in Boston.

24 Q. Martin Weinberg in Boston?

25 A. Yes.

1 Q. Okay. And what did you do for Martin?

2 A. I was there during law school, so I was
3 kind of a law clerk. And then when I graduated from
4 law school, he had a huge case in Miami and I came
5 down and spent six months in federal trial with him
6 and Al Krieger.

7 Q. Okay. So doing defense work?

8 A. Yeah, defense work. I'm sorry. Yes.

9 Q. All right. So just give me the time
10 frame.

11 A. Sure. And then after that I stayed in
12 Miami, worked with Jeffrey Weiner in his firm, and
13 then went to the state attorney's office from there.

14 Q. How long did you work with Jeff?

15 A. I think maybe a year or two. I think
16 about a year or two with him and Mycki Ratzan.

17 Q. Why did you leave there?

18 A. Because I had -- I really wanted to do
19 trial work and working with them -- I mean, I'm sure
20 you know they're pretty top -- top dollar. There
21 wasn't much small work for me to do. It was more
22 like I watched what they did. And then I really
23 wanted to get back into court and do things like
24 that.

25 Q. So it was an amicable --

1 A. Oh, absolutely, yeah.

2 Q. -- amicable separation?

3 A. Yeah. I see him. He comes down to the
4 Keys and he's his crazy self at times.

5 Q. Okay. So what year --

6 A. Then 2000 I started in the state
7 attorney's office. I stayed there probably till
8 2004, and then I went to the PD's office for a year
9 down in the Keys. Then I did defense work -- I came
10 up to Miami and did defense work with Jonathan
11 Schwartz out of Miami. And then when Dennis Ward
12 was elected state attorney, I believe it was 2009, I
13 returned back to the Keys and worked at the state
14 attorney's since then.

15 Q. Okay. So you've been in the state as well
16 as done defense work?

17 A. Yes, yes.

18 Q. When you went -- when you worked at the
19 PD's office, was that a situation where you
20 resigned, fired or --

21 A. No, I left because the money was better in
22 Miami.

23 Q. Okay. And then with any of these jobs,
24 was there ever a situation where you were fired?

25 A. No.

1 Q. Who do you work for? Who's the elected
2 state attorney now?

3 A. Dennis Ward.

4 Q. And what is your position in Ward's
5 office?

6 A. I'm currently the major crimes prosecutor
7 in the Key West office and handle all the major
8 crimes in Key West and Marathon.

9 Q. You would know my friend Hal.

10 A. Hal Schuhmacher, yes. I know Hal very
11 well.

12 Q. There's not many defense lawyers down
13 there.

14 A. No, there's not. They're usually defense
15 or family, but Hal's -- no, I'm saying they're
16 usually multifaceted, but Hal is one of the few.

17 Q. That just does criminal, right?

18 A. Yeah.

19 Q. All right. So 2009 you came back to the
20 Keys, you're in major crimes. Do you have that
21 position consistently since 2009?

22 A. No, no, 2009 I was the supervisor in the
23 Upper Keys office and then I went to the Key West
24 office. I became the major crimes prosecutor
25 probably two years ago when we had changes in the

1 office. People -- one of our prosecutors was
2 appointed as a judge. So ...

3 Q. Do you live in Key West?

4 A. I live in Key West.

5 Q. Okay. Are you married?

6 A. No.

7 Q. Any children?

8 A. No.

9 Q. In any of these jobs for government
10 offices, did you ever have any personnel complaints
11 lodged against you in your personnel record either
12 from clients, supervisors, or other lawyers?

13 A. No. I don't -- no, not that I believe so.

14 Q. I mean, you would be confronted with that
15 if you did, right?

16 A. Right. Well, you asked for supervisor --
17 I mean, I don't know of any supervisors that
18 complained about me. You said supervisors.

19 Q. Clients?

20 A. I had one client as a defense attorney. I
21 think he wrote the one letter and it was -- I
22 answered the preliminary response.

23 Q. To the Florida Bar?

24 A. Yeah. It was over a fee.

25 Q. Which firm did you work for?

1 A. I worked for myself.

2 Q. What was the name of your law firm?

3 A. Just Colleen M. Dunne.

4 Q. Okay.

5 A. And then --

6 Q. What happened with that complaint?

7 A. I think it -- well, whatever happens,
8 like, when they say it's not warranted or -- like
9 that first letter.

10 Q. Uh-huh.

11 A. And then -- but there is -- there's
12 currently a Bar complaint right now with respect to
13 my position at the state attorney's office lodged by
14 William Skinner, a person I prosecuted. He was
15 sentenced to two life sentences.

16 Q. And what is the status of that Bar
17 complaint?

18 A. It's still open.

19 Q. Is it going to trial?

20 A. I mean, it's still open. I don't know how
21 else to ...

22 Q. Do you have an attorney?

23 A. Buddy Jacobs handles all of the Florida
24 prosecutors', I guess, litigation.

25 Q. Where is it being litigated? Like, what

1 county or --

2 A. Well, it's Monroe County. That's -- I
3 mean -- so I'm not sure how jurisdictionally --

4 Q. Have you had hearings on it?

5 A. No, I have not had a hearing on it.

6 Q. Okay.

7 A. They went to the grievance committee.
8 There hasn't been any formal hearings on it.

9 Q. No telephonic hearings?

10 A. No, no.

11 Q. Like Buddy Jacobs --

12 A. Unless he's had them. But he would have
13 told me.

14 Q. Okay. And what's the upshot of that
15 complaint?

16 A. Because it's open, I'm not going to
17 discuss it.

18 Q. Okay.

19 A. As you can imagine.

20 Q. That's fair. I can read it.

21 Okay. Have you ever been arrested?

22 A. No.

23 Q. Ever treated for mental health or
24 substance abuse issues?

25 A. No.

1 Q. What types of cases do you handle?

2 A. Right now, homicides, attempted homicides,
3 any capital sexual battery cases. Any major crimes
4 that come in, they'll either be handled by me
5 after -- you know, reviewed by myself and our chief.

6 Q. Are you a supervisor over other people?

7 A. No.

8 Q. You kind of -- you work alone?

9 A. Yes. I mean, I answer to Mr. Ward and
10 Mr. Winter, but --

11 Q. Like, you're not a division chief?

12 A. No. Our office isn't that big to have
13 something like that.

14 Q. Okay. And so if you are in court, is it
15 always in Key West or is it up and down?

16 A. It can be up and down depending on if I
17 had a case in Marathon. And sometimes there have
18 been situations where a judge recuses himself in Key
19 West and I've had to go to Plantation Key.

20 Q. All right. So tell me what you know about
21 this situation with Bethany Guerriero. Tell me your
22 basis of information or knowledge.

23 A. From what -- as what I know right now
24 or --

25 Q. Uh-huh.

1 A. Well, I'm aware of the restraining order.
2 I'm aware of the criminal case. I'm aware of the 44
3 plus thousand text messages between the two of them,
4 e-mails.

5 Q. Have you read them?

6 A. Yes.

7 Q. All of them?

8 A. Pretty much all of them.

9 Q. Okay. And why were you reading all of
10 these?

11 A. When your client sent an e-mail and
12 referenced me to Ms. Guerriero and made comments, it
13 made me very concerned about where she was going
14 with this. And so I wanted to fully understand for
15 myself what I was potentially dealing with.

16 Q. Are you in a romantic relationship with
17 Nicole?

18 A. Based upon what your client's done and how
19 she's acted about anyone in her life, whether it's
20 true or not, I'm not going to discuss that.

21 Q. Okay. You have to answer the question.
22 Because you're aware of what happens in depositions.
23 It's not tied to what would happen in trial. I'm
24 asking the question. You have to answer the
25 question.

1 A. Unless the judge tells me to, I just --
2 based upon the nature of the claim against your
3 client and what she did when she sees someone in her
4 life, I'm not going to answer that question. I've
5 seen what she did. No matter whether she believes
6 me or not, I'm not going to be subjected, nor
7 Ms. Guerriero, nor K [REDACTED] subjected to it.

8 Q. Okay.

9 A. I mean, if the judge wants me to answer
10 it, I will, but at this point, after what I've read,
11 no.

12 Q. So you're certifying the question?

13 A. Yes.

14 Q. When did you meet Nicole?

15 A. June 2017 when we had a bond hearing on --
16 in the case in which Ms. Braswell was killed.

17 Q. Did Nicole testify at the bond hearing?

18 A. No. The only person who testified was
19 Bernenda, the victim who survived.

20 Q. So you met her in June 2017 -- you met
21 Nicole in June 2017?

22 A. Yes.

23 Q. And is she a witness in the case?

24 A. No.

25 Q. She gave victim impact testimony at the

1 sentencing hearing recently, correct?

2 A. She read a letter from Ms. Braswell's -- I
3 think it was her god daughter. She read the letter
4 to the court.

5 Q. Okay. So she provided testimony to the
6 court?

7 A. Well, she read a letter.

8 Q. Was she placed under oath?

9 A. You know, I'm not sure if she did or not.
10 I can't remember if Judge Jones put everyone under
11 oath. I'm not sure. But the transcript will show
12 it.

13 Q. So how many times have you spent the night
14 at Nicole's house?

15 A. I couldn't tell you. The last seven weeks
16 since your client has not had any contact with
17 K██████, I've been there more to help out with the
18 scheduling.

19 Q. How long does it take you to drive up
20 here?

21 A. Probably four and a half hours.

22 Q. So before the restraining order in
23 December of 2018, you were in a relationship with
24 Nicole at that time, weren't you?

25 A. Again, I'm not going to comment about the

1 status of my friendship with Ms. Guerriero.

2 Q. Okay. You're qualifying it as a
3 friendship. I'm asking you specifically whether
4 you're in an intimate relationship with Nicole.

5 A. Based upon how your client perceives
6 things and what she does with the information,
7 whether it's true or not, I don't feel comfortable
8 answering.

9 Q. Back in December of 2018 you all had a
10 planned trip where Nicole was coming down to the
11 Keys to spend time with you, correct?

12 A. December 2018?

13 Q. Yes.

14 A. Absolutely -- that -- that would be last
15 December. Absolutely not.

16 Q. Okay. When was the trip where Bethany --
17 or, excuse me, where Nicole was coming to visit you?

18 Let's start with the first one. How many
19 times has she spent the night at your house?

20 A. Nicole and K [REDACTED] spent the night at my
21 house in March -- that is the first time -- when
22 they came down to visit for Spring Break.

23 Q. I might have misspoken.

24 A. Yeah.

25 Q. I'm sorry. Just give me one second.

1 A. That's why when you were saying December
2 I'm like, no.

3 Q. Well, let's talk about the first time --
4 forget about K [REDACTED] -- the first time that Nicole
5 spent the night at your house or spent the night
6 with you anywhere, her house, your house, wherever.

7 A. The first night -- the first time that
8 Nicole spent the night at my house was with K [REDACTED]
9 in March of -- of this year, 2019.

10 Q. Okay. Do you remember the exact dates?

11 A. I think it was a Wednesday night and a
12 Thursday night.

13 Q. And what was the purpose of that trip?

14 A. K [REDACTED]'s Spring Break. She was going to
15 go swim with the dolphins and -- it was Spring
16 Break.

17 Q. Okay. Just give me one second.

18 A. Sure.

19 Q. Were you aware at that time that Bethany
20 had requested information about where Nicole would
21 be taking K [REDACTED] on that trip?

22 A. I was made aware of that request on --
23 when the restraining order -- after the restraining
24 order was obtained. I believe the e-mail came in
25 right after Nicole advised that she had the

1 restraining order.

2 Q. Well, the communication's asking for the
3 address earlier in the day, remember?

4 A. I was not aware of a communication prior
5 to. I know that there was an e-mail from the lawyer
6 demanding the address.

7 I know prior to that, because I've seen
8 the e-mails, that your client was requesting the
9 address and Nicole responded that she wasn't
10 comfortable giving the address, but explained
11 there's a phone, she'll be with me. And then I
12 think the demand came after.

13 Q. Okay. So you're aware of this entire
14 exchange because you're in the middle of it, right?

15 A. I wouldn't say the middle. I was -- I
16 mean, I was aware that there was a request by the
17 attorney, but at the time the restraining order was
18 already obtained. And I believe Nicole responded
19 back to the attorney.

20 Q. Is that what Nicole told you?

21 A. No, I saw -- I've seen the e-mails.

22 Q. No, I mean -- it's your representation
23 that the restraining order was obtained and then
24 just by happenstance she asked where you're going to
25 be in the Keys?

1 A. No, no, no. The day that Ms. Guerriero
2 obtained the restraining order, I was with K[REDACTED].
3 I was taking care of K[REDACTED]. It was a Tuesday.
4 Because we planned on going to the Keys on
5 Wednesday.

6 Q. Okay. So let me get this straight. Was
7 this Spring Break for the public -- is K[REDACTED] in
8 public school?

9 A. Yeah, I believe so. So it was a whole
10 week.

11 Q. Right. And it was Spring Break of this
12 year?

13 A. Yes.

14 Q. And as I recall, Spring Break started
15 around --

16 A. The 18th.

17 Q. -- St. Patrick's Day?

18 A. Yes, it started on the day after St.
19 Patrick's Day because St. Patrick's Day was Sunday,
20 being Irish.

21 MS. REID: Yeah, March 18th is the Monday.

22 THE WITNESS: Yeah.

23 BY MS. KING:

24 Q. Or that Friday, depending on when you
25 start.

1 A. Right.

2 Q. So did you come to Palm Beach County to
3 send time with Nicole before going down to swim with
4 the dolphins?

5 A. I was there that weekend because I was in
6 the process of training for a triathlon that just
7 happened this couple -- last week and I was up there
8 that weekend.

9 Q. So the weekend of March 15, 16, 17?

10 A. Yes. I don't know what day I arrived. It
11 may have been that Sunday. But I was there.

12 Q. Don't you train for the triathlons in the
13 Keys probably more than --

14 A. You can, but 441 seems to have a great
15 open road and Jog Road. Where I was going to be
16 training -- this race was in Tampa. I wanted to
17 assimilate the environment. Plus in the Keys it
18 gets boring.

19 Q. Okay. So at that point in time, this is
20 pre-retraining order, how many times had you spent
21 at Nicole's -- how many nights had you spent at
22 Nicole's house prior to March of 2019?

23 A. I'm not quite sure. Maybe a couple other
24 times. Because, like I said, I had a marathon in
25 Fort Lauderdale and then I know I was coming up and

1 I was training. I was every Saturday on the bike.

2 But I couldn't tell you how many nights.

3 Q. When did that start where you would spend
4 the night at Nicole's house?

5 A. Probably in late February.

6 Q. Okay. So you're in Palm Beach County
7 sometime the weekend of March 15, 16 or 17?

8 A. Yes.

9 Q. And then you stay on to that Monday?

10 A. Yes.

11 Q. All right. And then the plan is to go
12 down -- and Tuesday, you spent the night Tuesday?

13 A. Yes.

14 Q. The 19th?

15 A. Yes. And then we went down to the Keys on
16 Wednesday and then came back on Friday.

17 Q. So you would have been right there with
18 Nicole when Bethany is asking her where you're
19 going, right?

20 A. Well, like I said, I was taking care of
21 K[REDACTED]. Nicole went to work that Tuesday after she
22 received some very troubling information from
23 K[REDACTED] from your client and she went to work. I
24 stayed with K[REDACTED]. And then the next time I saw
25 Nicole was after 5:00 when she returned with the

1 restraining order.

2 Q. What day was the restraining order?

3 A. Tuesday. Beth dropped K [REDACTED] off Tuesday
4 morning and that was the last time she had contact
5 with her.

6 Q. Okay. So it's not your testimony that
7 you're there to take care of K [REDACTED] all the time
8 because Bethany was in her life, at that point there
9 was no restraining order, right?

10 A. No, my -- you asked how many -- you asked
11 how many times I've been there and I said since --
12 I've been there much more since your client has
13 ceased any contact with K [REDACTED].

14 Q. And probably Nicole coming down to your
15 house too?

16 A. No, Nicole's -- I'm sorry, you're
17 asking --

18 Q. Since March 2019, has Nicole been down to
19 your house?

20 A. She came down with her co-worker Dani
21 Moschella for the sentencing hearing of Christine --
22 Lacy Morris, which was a Friday in April. I'm not
23 sure which date it was. Maybe the 14th or 18th.
24 I'm not sure.

25 Q. Okay.

1 A. And that's the only two times that
2 Ms. Guerriero has been at my house.

3 Q. Do you live with anybody else?

4 A. Yes.

5 Q. Who else do you live with?

6 A. I mean, is it relevant as to my roommates?

7 Q. Yeah. Who else do you -- you don't have
8 to give me an address. Who do you live with?

9 A. Well, my address is listed, so ...

10 Leni. I don't know her first name. I
11 don't know -- I know that's her nickname. She
12 resides at the same house. Leni McDaniels.

13 Q. Oh, it's a woman that goes by the name --

14 A. Yeah, her name's Leni.

15 Q. How long have you lived with Leni?

16 A. Moved in I believe January this year from
17 my old address.

18 Q. Now, do you own that house?

19 A. No, we rent, rent.

20 Q. Do you rent from Leni?

21 A. No, Leni and I rent from another
22 individual. And I couldn't for the life of you tell
23 me -- tell you who it is because I don't -- I don't
24 believe I got a copy of the contract.

25 Q. What does Leni do?

1 A. She works at the Escape Room down in Key
2 West and she also works for cleaning -- a cleaning
3 company that has contracts throughout Key West.

4 Q. Okay. Did you know her before moving in
5 with her?

6 A. Yes. Yeah. I've known Leni for years.

7 Q. Anybody else there?

8 A. No. Just my dogs.

9 Q. Okay. So then the restraining order comes
10 in and then you just get in the car and go, right?

11 A. No, we --

12 Q. Or it was the next day?

13 A. The next day we do go down to the Keys.

14 Q. Have you ever seen the marital settlement
15 agreement between --

16 A. Yes.

17 Q. Why are you looking at the marital
18 settlement agreement?

19 A. Being placed in the middle of this, I am
20 going to be familiar with everything that could
21 potentially, like, be asked about this case.

22 Q. I mean, that didn't involve you, right?

23 A. I skimmed through the marital settlement
24 agreement. I skimmed through the parenting plan as
25 well.

1 Q. Was that to determine if she had to give
2 up the address where she was taking K [REDACTED], which
3 she didn't want to do?

4 A. No. I would have never provided
5 Ms. Guerriero legal advice.

6 Q. Your testimony is you've never provided
7 her legal advice? Is that what you said?

8 A. Correct.

9 Q. I mean, you said I have your address. Is
10 that because I was able to subpoena you?

11 A. Oh, you're right, you subpoenaed me from
12 the state attorney, that's right, that's where I
13 was.

14 Q. But you said your address is known. How
15 is your address known?

16 A. Well, I'm sure -- I mean, I don't know if
17 you put my name in if it comes up because we just
18 moved in, but I haven't registered a phone number.
19 So -- but we do -- we do have the same protection as
20 law enforcement to block our addresses and I'm just
21 wondering if when I moved that block continued. I
22 just haven't done a search.

23 Q. Okay. So you may have a confidential
24 address?

25 A. I may have a confidential address. I just

1 don't know if it transferred over when I moved into
2 a new location, if I had to redo it.

3 Q. Who is Charlie Navarro?

4 A. A person your client is obsessed with and
5 used to harass Nicole about.

6 Q. Have you ever spoken to Charlie?

7 A. No.

8 Q. Have you ever spoken to Amy Johnson?

9 A. No.

10 Q. So your fund of information is obviously
11 Nicole?

12 A. And the text messages, the e-mails, yeah.

13 Q. Right.

14 So you as a friend are just reading these
15 44,000 text messages and e-mails?

16 A. As both a friend and a person concerned
17 with your client's behavior. She -- she started
18 making -- sending e-mails about me calling me a
19 monkey, telling me I was jumping through hoops, that
20 I'm the new distraction and made comments to K [REDACTED]
21 about me to make sure that I would hear the
22 messages.

23 Q. Well, you don't know what she said to
24 K [REDACTED].

25 A. I do know. Well, I know -- I doubt a nine

1 year old would use the language that K [REDACTED] used.

2 Q. Would you know that K [REDACTED] said Miss
3 Colleen is sleeping over with mommy every couple of
4 weekends?

5 A. I wouldn't put it past K [REDACTED] to say
6 that. But sleeping with mommy, I think that would
7 be a play on words. And she's nine years old.

8 Q. Right. So that was my point, which is
9 we're relying on a child, which really isn't fair.

10 A. No, it's not fair, but when she says tell
11 Miss Colleen thank you for taking care of you since
12 your mommy doesn't, I don't think a nine year old's
13 going to come up with that. I don't think a nine
14 year old's going to make some of the statements that
15 she did on that Tuesday morning.

16 Q. Did you read the text messages where
17 Nicole talks about K [REDACTED] in a way that is really
18 not very flattering or motherly?

19 A. I'd ask you to tell me which one because
20 the text messages I've read with Nicole talking
21 about K [REDACTED] is don't text me unless it's about
22 K [REDACTED].

23 Q. No, I'm talking about when she talks to
24 Bethany about the child and how she describes her
25 own daughter, did you read all those?

1 A. I do not recall her describing her --
2 you'd have to tell me how you think it would be
3 disparaging or not so nice.

4 Q. So --

5 A. I mean, what did she say? Because I've
6 read them.

7 Q. She talks about her in a way that's -- you
8 know, essentially ignore her. She calls her
9 unflattering names. This is Nicole talking about
10 K[REDACTED].

11 A. That's in response -- yes, okay. So being
12 around K[REDACTED], she has this sassiness about her.
13 So the two of them would start talking about her
14 being sassy or K[REDACTED] doing something, and Bethany
15 joins in and says I'm about ready -- I think she
16 says things like I can't take this child anymore.

17 So put it in the context of what they're
18 talking about. They both talk and identify about
19 how sassy K[REDACTED] could be.

20 Q. So the adoption was literally a month
21 before Nicole decided she wants Bethany to separate?

22 A. I believe that's incorrect. According to
23 the text messages I've read and speaking to Nicole,
24 there were issues with the two of them prior and
25 then I believe in April she says we're done and then

1 she allows Bethany to stay in the house for many,
2 many months.

3 Q. When was the adoption?

4 A. I think it was a few months. I don't
5 think it was one month. I think it was a few months
6 at least.

7 Q. It was a month and half before. It was in
8 February.

9 A. But that would be the official, but they
10 had the child for many -- for longer.

11 Q. Right.

12 So you're aware as a state attorney that
13 DCF turns over all sorts of information before
14 they'll place a child in a relationship, right?

15 A. I'm not completely aware of DCF's
16 procedure, but --

17 Q. They're not just going to hand over a kid.

18 A. Well, no, they're not going to. But I
19 don't think there's ever been an allegation that
20 your client has been bad towards K[REDACTED]. It's been
21 her behavior towards Nicole.

22 Q. But you would agree they're also analyzing
23 the stability of the relationship they're placing
24 the child in, right?

25 A. And I think -- they could be, but the

1 stability of the relationship can deteriorate. And
2 I believe what you're missing is that Nicole put up
3 with a lot and she had -- she never had any -- from
4 what I've read, she's never had any issue with how
5 Beth is with K [REDACTED]. Her obsession is with Nicole.

6 Q. But all those things as far as stability
7 of the relationship if asked by DCF, then Nicole was
8 indicating everything was hunky-dory through the --
9 I mean, they fostered her. So this had to be -- you
10 know, even to adopt a dog they come and do home
11 visits and the whole nine yards and they're asking
12 all sorts of questions.

13 A. Right.

14 Q. So, I mean, from what you've read, it's
15 just what Nicole fed to Stephanie, right? You don't
16 know --

17 A. No, I've read the whole phone dump. I
18 read 44,000 -- I mean, I've read the text messages.
19 There's e-mails. There's screenshots. There's --
20 everything that you -- I mean, it's in --

21 Q. So the whole phone dump, meaning beyond
22 just the Cellebrite, you went and looked at what
23 they put in evidence?

24 A. Yeah, I have it.

25 Q. Okay. Where did you get that?

1 A. Public records request.

2 Q. You did one?

3 A. Yeah.

4 Q. When did you do that?

5 A. A couple weeks ago.

6 Q. And who did you submit the request to?

7 A. I requested it from the Delray Beach
8 Police Department through their --

9 Q. Who did you deal with there?

10 A. I don't know. It's a portal that you just
11 put in -- you put a request and then they say it's
12 available and then --

13 Q. And none of it was redacted or excised?

14 A. I think there was some redaction, yeah. I
15 mean, it was whatever was -- what I asked for was
16 the public records request of all documents
17 disclosed or provided in any public records request
18 under that case number.

19 So whatever -- if someone does a public
20 records request under this case number, I'm asking
21 for the same copy. So I'm assuming it would be the
22 same copy that you would get or you would get or
23 someone, you know, would get. So I have redactions
24 and it has all the text messages.

25 Q. So the public records request was for what

1 other people had requested?

2 A. No, it's please -- I believe the language
3 was please provide -- I'm requesting all documents
4 that have been provided in any public records
5 request under this case number, and then I sent it.

6 Q. Okay.

7 A. And it was that case number in the
8 criminal case.

9 Q. And have you sat there with Nicole and
10 read these things?

11 A. No, no. I read them myself and read the
12 e-mails.

13 Q. Okay. You would agree in reviewing that
14 there was basically an indication from Nicole to
15 Stephanie Baker I don't want you to do anything with
16 this, I don't want you to contact Bethany about any
17 of this?

18 A. I did see a form that back in, I don't
19 remember, September maybe or whatever the first --
20 after the first reporting that she did make a
21 statement. Because you never know how Beth's going
22 to treat her, how she was going to act.

23 I mean, I understand why she did that. I
24 mean, I know why she didn't go forward.

25 Q. But she never avails herself of what

1 Stephanie Baker tells her, which is go file a
2 restraining order, go file a police -- you know,
3 actually take action on the prosecution. She
4 doesn't avail herself of any of those things, right?

5 A. For reasons.

6 Q. Well, the reason seems -- the date of the
7 restraining order is the same date that actually
8 Bethany first by herself is asking and the
9 communications are what is the address you're taking
10 the child. She doesn't want to do it, and then she
11 goes and gets a restraining order the same day.

12 A. Well, yes, there's a -- the day is the
13 same, but this process was happening well before
14 that. I mean, the request -- the restraining order
15 was happening. She was authoring that summary and
16 doing all of this stuff and it just so happened it
17 was Tuesday she got the restraining order.

18 Q. Just a coincidence?

19 A. Absolutely. I mean --

20 Q. Okay. So when she's asked to provide the
21 address and actually prints the police report the
22 same morning as the TRO, that's all coincidence,
23 meaning Bethany?

24 A. Coincidence to what? I mean, you can say
25 it's the same day, but I can tell you that the --

1 the trauma and what she was going through had
2 already been happening. The report, I believe, was
3 finalized on Tuesday and she went to get the
4 restraining order.

5 Q. Well, you've dealt with --

6 A. But Nicole -- but here's the other thing.
7 Bethany knew a while prior to that Tuesday that she
8 was going to the Keys. She knew that.

9 Q. So there was an objection to providing a
10 location for where the child was going to be?

11 A. There was an -- you'll have to ask her. I
12 can't speak for Nicole, but I know that the address
13 was not provided because she was concerned about how
14 her behavior was in the past. And I actually was
15 concerned, but --

16 Q. So in dealing with witnesses and victims
17 in criminal cases and you have an allegation of
18 stalking --

19 A. Right.

20 Q. -- and you have a witness who contends,
21 well, I don't like all these communications, but
22 then goes out to dinner with their -- you know,
23 their purported abuser or stalker or then sleeps
24 with them, would you not look at that kind of from a
25 standpoint of you are involved and engaged in the

1 participation of -- or participating with the
2 communications and all of a sudden I don't like that
3 last message, so now we're going to pull the trigger
4 and move with this criminal investigation?

5 A. Well, I'm certainly not going to answer
6 that hypothetical because it has -- it's not even
7 close to what was going on in this case, it's not.

8 Q. Well, you've read all these messages. I
9 mean, she's spending the night over at Bethany's
10 house. They're both --

11 A. When her AC was broken in the hurricane
12 and she had no -- she had none. And I believe that
13 was the only time.

14 Q. Were you aware she went to visit her in
15 the hospital, Nicole went to visit Bethany in the
16 hospital?

17 A. After Bethany told her that she had heart
18 problems and manipulated her and basically guilted
19 her into going there.

20 I've read -- have you read them all?
21 Because if you read them all and put them in
22 context --

23 Q. She goes to the hospital to visit her.
24 Does that sound like she's stalked?

25 A. Because the woman -- if stalking was just

1 in a -- stalking, in my experience, it's not about I
2 like you one day, I don't like you the other day.
3 You have over two years of harassment.

4 And it's just like domestic abuse; if I
5 punch you now and I love you tomorrow, it doesn't
6 negate what you did to me the day before.

7 Q. So could you go back two years later and
8 say I want to prosecute the person --

9 A. No.

10 Q. -- for punching me two years before?

11 A. Well, the problem with that analogy is
12 that Ms. -- your client gave Ms. Guerriero a year
13 and a half additional information that was basis for
14 stalking, like, tracking, tracking WhatsApp. All of
15 that stuff happened.

16 Q. Two months prior to her indicating to
17 Stephanie Baker they're out to dinner, she's buying
18 her fancy handbags or she's visiting her in the
19 hospital. It's kind of this idea that whenever now
20 the person perceives it as, you know, the point
21 where she wants to pull the trigger and have
22 somebody arrested, the stuff that comes before it is
23 relevant.

24 A. Well, the problem --

25 Q. All the good stuff is relevant too, right?

1 A. Well, the problem with that is, one, I
2 thank god police officers don't pull the trigger to
3 make an arrest. The state attorney's office
4 approves the arrest.

5 As far as the gifts and stuff, again, I
6 think you have to put it into context. Those gifts
7 were given in the presence of K[REDACTED]. The things
8 that Ms. Guerriero did --

9 Q. Why did she accept them?

10 A. Would you -- would you -- if a little girl
11 is standing in front of you and the woman is giving
12 you a gift, you expected Ms. Guerriero to say I
13 don't want that? That's putting the child in the
14 middle, and that's what she didn't do.

15 But the problem with your analogy is
16 you're looking at it in isolation. Yes, there were
17 times that they did get along, but the person you
18 need to ask those questions as to why that was
19 happening is Ms. Guerriero because you don't want to
20 spur the fire.

21 Q. Well, as a prosecutor, wouldn't you say to
22 your witness in preparing them, really, you went --
23 you spent the night at her house?

24 They were at each other's houses all the
25 time. There are ways to raise children through

1 divorce where it's not -- there are no boundaries.
2 And then when one wants to put up boundaries, the up
3 and the down, you do have to look contextually at
4 the whole history of it. And Nicole doesn't do
5 anything by telling Stephanie Baker don't contact
6 her. There is no -- there is no advance. It's just
7 kind of, okay, now go have her arrested.

8 A. No, she didn't. And that's where you -- I
9 suggest that you read the text messages or ask --

10 Q. I did.

11 A. All 44,000 of them?

12 Q. Yeah.

13 A. So you missed the part where Ms. Guerriero
14 tells her I had to sleep with my gun, I thought you
15 were going to kill me. And your client admits to
16 doing --

17 Q. And then she goes and stays at her house.
18 It's kind of hard to take seriously.

19 A. No, she goes and stays at her house
20 because she had no AC and there was the hurricane.
21 And I don't believe your client was there when she
22 stayed at the house. So I would -- I would --
23 again, the problem is every single time your client
24 didn't get an answer she wanted, she would throw
25 things in Ms. Guerriero's face. She would then --

1 she admitted to doing things that as an officer she
2 should be embarrassed. I'm shocked.

3 Q. Then why not just get a restraining
4 order --

5 A. But it doesn't --

6 Q. -- and stop this instead of having
7 somebody -- using your own department to have
8 somebody arrested?

9 A. Oh, using -- no. First of all, using your
10 own department, she made a report to the agency in
11 which they both live. I believe it was cleared by
12 the chain of command and --

13 Q. How do you know that?

14 A. Because I'm sure that you've asked those
15 questions and I'm sure that they wouldn't just go
16 willy-nilly on this. There's no problem with this.

17 Q. So have you talked with Stephanie Baker?

18 A. I've spoken to her because she --

19 Q. Tell me about that.

20 A. I told her I was a witness. I knew she
21 had a deposition.

22 Q. Did you call her? Tell me --

23 A. No. I saw Stephanie. I swam at the Aqua
24 Crest Pool when I was up swimming. I had met
25 Stephanie and you had subpoenaed me and I said I'm a

1 witness. And we did not --

2 Q. You just happened to run into each other?

3 A. No, I was up here. I know Stephanie.

4 Q. Okay. You saw Stephanie at the pool?

5 A. No, I saw Stephanie when I went to the
6 pool. She works at the training facility, which is
7 across the street from the pool.

8 Q. Okay. Did you go over to the training
9 facility --

10 A. Yes.

11 Q. -- to talk to her?

12 A. Yes.

13 Q. You sought her out?

14 A. I sought her out because I had met her in
15 the Keys and I was in the area and I went by to say
16 hi.

17 Q. So you're friends with Stephanie too?

18 A. I just met her in February.

19 Q. In February?

20 A. It was this year, February this year.

21 Q. Okay. And so you go across the street and
22 tell her what? And when was this?

23 A. It was probably in March or end of March,
24 I think.

25 Q. And what did you tell her?

1 A. We didn't talk about the facts of the
2 case. She knew I had a race coming up, so she was
3 asking how the training was going.

4 Q. How did she know that?

5 A. Because I said I met her in February and
6 pretty much this triathlon was the focus of my
7 attention for many months.

8 Q. So where did you meet her in February?

9 A. In Key West.

10 Q. Who was she with?

11 A. She was with Millie -- I don't know her
12 last name -- and Nicole.

13 Q. Okay. So Nicole and Millie come down to
14 Key West?

15 A. With Stephanie because --

16 Q. And Stephanie?

17 A. Yes. Millie works for hotels and I
18 believe they were just down for Millie's work.

19 Q. Okay. So they were vacationing together;
20 Nicole, Millie and Stephanie?

21 A. Yeah. I don't know how many days they
22 were down there.

23 Q. Okay.

24 A. And we -- I met them because we had the
25 plea coming up on Christine's case.

1 Q. So Millie, Nicole, and Stephanie are good
2 friends?

3 A. I wouldn't be able to say how close they
4 are. I know Millie and Nicole are -- I think their
5 history goes past Steph. I don't know how their
6 relationship is with Steph.

7 Q. So the three of them take a vacation
8 together in the Keys?

9 A. Again --

10 Q. Where do they stay?

11 A. Sunset Key, I think.

12 Q. They don't stay at your house?

13 A. No. My place is --

14 Q. Who does Millie work for?

15 A. No clue.

16 Q. But you said hotels?

17 A. I think something like that because I
18 believe her job requires her -- that was the whole
19 Sanibel trip. When your client tracked Nicole down
20 in Sanibel, she was with Millie.

21 Q. They weren't in Sanibel. They were in --

22 A. No, I'm saying Millie's job is with
23 hotels. Because at one other time they went
24 somewhere in Sanibel for Millie's work and that's
25 where your client had tracked her down too.

1 Q. Well, did anybody call Bank of America to
2 actually -- or actually get the phone records to
3 determine if this was how this happened?

4 A. It's pretty -- I didn't. But, I mean,
5 it's pretty --

6 Q. Because you know a lot about this. For
7 somebody's who's just kind of tangentially involved
8 with Nicole, you seem to know a lot about all --

9 A. It has nothing to do with -- it has
10 nothing to do with Nicole. It has everything to do
11 with your client. When she started calling me a
12 monkey, when she started making disparaging comments
13 and I saw what she did and I was witness to the
14 reaction and the comments, you better believe I
15 started reading about it because I am not going to
16 be her next subject to the extent that she did with
17 Mr. Navarro.

18 Q. Well, Charlie Navarro isn't a petitioner
19 in the restraining order, right?

20 A. No. The petitioner is Nicole because she
21 used -- that's how she harassed -- that's how your
22 client harassed Nicole.

23 Q. Well, did you ever call Charlie and say,
24 look --

25 A. Why would I ever do that? Why?

1 Q. Have you ever spoken to him?

2 A. No.

3 Q. You're aware that's Nicole's ex-boyfriend?

4 A. I do not know the relationship.

5 Q. What did she tell you?

6 A. We don't talk about Charlie Navarro. We
7 don't talk about this case. This is the last thing
8 we want to talk about, other than the fact that your
9 client has put me in the middle of it again.

10 Q. So Nicole's never told you about Charlie?

11 A. No.

12 Q. Okay. He would never live with her,
13 right? Charlie never lived with her, right?

14 A. Those questions would be best asked to
15 Nicole.

16 Q. Okay. Let's go back to the vacation with
17 Millie and Nicole and Stephanie. How many days were
18 they down in the Keys?

19 A. As I said, I don't know. I met -- I met
20 Nicole for lunch one day and then the other two
21 people that evening and they returned the next day.

22 Q. So at least two days they were down there?

23 A. At least two days, yes.

24 Q. And that was in February?

25 A. I believe it was in February, yes.

1 Q. Stephanie, other than the time in February
2 and then you talked about talking with her recently
3 at the pool --

4 A. Not at the pool. When I went to the pool.
5 But yeah.

6 Q. Have you had other conversations with
7 Stephanie or other personal interactions with
8 Stephanie Baker?

9 A. I mean, I'm sure we've -- I mean, I spoke
10 to her on the phone about my race because she was
11 asking about my race, but that's about it. Like I
12 said, I don't know her very well. It's just she
13 happened to be there in Key West and she --

14 Q. Did you guys party together, go out?

15 A. I wouldn't use the word party. We went to
16 dinner. We all went to dinner. But we didn't
17 party, that's for sure.

18 Q. Social media posts, have you taken those
19 down, the ones where you've got pictures with you
20 and Nicole? Did you scrub your social media about
21 her?

22 A. No, I did not scrub my social media. My
23 social media's public. And I believe the only
24 photos I had of Nicole were Nicole, K [REDACTED] and I,
25 maybe Nicole, Dani and I. And I have not removed

1 any photos.

2 And to be honest with you, I don't even
3 know what I post. I may have been tagged in things.
4 And if I was tagged in things and people took it
5 down, I have no control over whether it was deleted.

6 Q. What social media are you on?

7 A. Facebook.

8 Q. Are you on Instagram?

9 A. I can't understand it, no.

10 Q. Twitter?

11 A. Oh, absolutely not. That's even worse.

12 Q. Okay. So you say you had a phone call
13 with Stephanie. Tell me, how did that happen?

14 A. Like I said, it was probably about my
15 race. I mean, we don't talk --

16 Q. Did you call her or did she call you?

17 A. I'm not sure if she called me or I called
18 her. Again, it was about my race.

19 Q. Well, is Stephanie a triathlete? Like,
20 why is she calling you, or vice versa, about your
21 race?

22 A. She was -- well, you'd have to ask her,
23 but she was extremely interested in the fact that I
24 swim, run -- swim, bike and run and do Ironmans
25 and --

1 Q. And so she just called you up to chatter
2 chat?

3 A. You have to ask her.

4 Q. When was that?

5 A. But I can tell you that we did not talk
6 about the facts of this case. Again, I don't know
7 when we had that phone call, but it would have been
8 after my race, and my race was a few weeks ago.

9 Q. There was no discussion about the
10 restraining order or subpoenas or anything like
11 that?

12 A. I know better than to speak to witnesses
13 before a deposition.

14 Q. Stephanie, was she at the sentencing
15 hearing --

16 A. No.

17 Q. -- for Braswell?

18 A. No.

19 Q. I mean, whatever her name is, Lacy.

20 A. Lacy Morris, no.

21 Q. Did you divulge to your boss or the
22 defense attorney your relationship with Nicole?

23 A. Again, you presuppose there is a
24 relationship in however you're using it, but I -- my
25 boss met Nicole the first day I met Nicole, and I'm

1 talking Val Winter, my chief. And Ms. Guerriero --

2 Q. So my question is: Have you told your
3 boss at your office about your relationship with
4 her, with Nicole?

5 A. Again, I have not spoken to my boss about
6 Ms. Guerriero.

7 Q. How about the defense attorney for Lacy?
8 Whatever her name is.

9 A. I would wonder why I would have to
10 disclose any of my relationships with a person who's
11 not witness or the victim. And again, it's --

12 Q. Well, you're prosecuting somebody who has
13 killed a police officer, right?

14 I mean, that was really -- up here it was
15 huge news, of course.

16 A. It was huge, yeah. Mr. Hoffman made it
17 huge. But again, you've already done a public
18 records request of my file and the witness list and
19 you will not see Ms. Guerriero's name on the witness
20 list.

21 Q. Okay.

22 A. Nor was she compensated for any time that
23 she -- there was no travel vouchers for her. The
24 only travel vouchers were for the Braswells and
25 Bernenda. I don't believe anyone else. But I can

1 say with a hundred percent Ms. Guerriero wasn't.

2 Q. You agree that, you know, conflicts of
3 interest also rely on the appearance of impropriety,
4 not just, well, maybe the rules say we shouldn't do
5 it, but maybe just the appearance of it, right?

6 A. You'd have to get more specific. It's too
7 broad of a hypothetical to give. I can tell you
8 there is no -- there was no conflict in the Lacy
9 Morris case because Ms. Guerriero -- again, I'm
10 friends with -- all the individuals that came down
11 for that sentencing hearing, I'm friends with.

12 Q. With the Delray Beach Police Department?

13 A. With people from the Delray Beach Police
14 Department, with Miss Bernenda, with plenty -- with
15 the Braswells. I mean, I'm friends with them
16 through the -- through this case.

17 Q. Okay. So I guess the answer is no, you
18 haven't divulged --

19 A. There's no conflict to divulge.

20 Q. Okay. Has your boss met Nicole beyond the
21 first day that you met her?

22 A. And just when I say boss, I mean Val
23 winter. My chief, Val Winter --

24 Q. Oh, is that who you meant?

25 A. Yeah, my boss.

1 Q. Val Winter?

2 A. I don't believe Dennis Ward was present.

3 Val did meet everyone the first time in June, and I
4 believe he saw everyone when they came down for the
5 sentencing hearing.

6 Q. Okay. Do you have an office phone, like
7 cell phone?

8 A. No, no.

9 Q. Have you communicated on your office
10 e-mail with anybody involved in this case?

11 A. Yes.

12 Q. Who?

13 A. No, not in -- well, in this case? I've
14 communicated with the Delray Beach Police
15 Department -- and we should get those records this
16 week -- regarding the Lacy Morris case. That's the
17 only communication I've had. Like, either updating
18 them that the D -- you know, the blood results came
19 back or the DNA came back or here's the sentencing
20 date.

21 Q. And that's all by e-mail?

22 A. That would be by e-mail, yes.

23 Q. Now, involving this case, the Delray Beach
24 case where Nicole is investigated, have you
25 communicated with Delray Beach Police Department

1 about that case?

2 A. Where Bethany was investigated.

3 Q. I'm sorry. Bethany.

4 A. No. Nope.

5 Q. Anybody else that you've communicated
6 with?

7 Well, we talked about Stephanie.

8 A. Uh-huh.

9 Q. And obviously Nicole. Anybody else that
10 you've had communications with about the stalking
11 allegations with her?

12 A. No.

13 Q. You attend family events with Nicole, is
14 that fair to say, meaning with K [REDACTED]?

15 You were at the dance concert this
16 weekend, right?

17 A. The dance --

18 Q. The dance rehearsal, dress rehearsal?

19 A. There was no dance rehearsal this weekend.

20 Q. Is it next weekend?

21 My point --

22 A. Yeah, the rehearsal -- the recital is -- I
23 mean, there's -- the recital is coming up on the
24 19th. Yes, I -- well, in terms of family, I have
25 picked up K [REDACTED] from dance. I've taken her to

1 dance. I've taken K[REDACTED] to --

2 Q. Are you taking off work to do all this?

3 How do you --

4 A. Oh, I took off work for being here because
5 your client's not here. I've taken off work.

6 Q. Does Nicole have family here?

7 A. Her mom's here.

8 Q. Okay. So you drive all the way from the
9 Keys to --

10 A. I don't drive all --

11 Q. -- pick up K[REDACTED] for dance?

12 A. No, I -- as I said, I have come up here
13 and I have assisted with K[REDACTED]. I've also at the
14 same time been able to do activities that you can't
15 do in Key West, one of them being a lot of shopping.

16 Q. Have you ever spoken to Bethany?

17 A. No. I don't even know what she looks
18 like.

19 Q. I mean, was she there at all through any
20 of the funeral with Braswell or --

21 A. No. She was -- no, she wasn't.

22 Q. Were you at any -- were you at the
23 funeral?

24 A. No.

25 Q. You probably weren't engaged on the case

1 at that point. It was probably too soon.

2 A. No, I think we -- we got it immediately.

3 Like, once -- we were waiting for it. You know, we
4 were waiting for the blood results.

5 Q. Uh-huh.

6 A. But we knew it was just a matter of time
7 and then we were going to file.

8 Q. Have you spoken to Stephanie about ways to
9 investigate the case or offered assistance in, hey,
10 you want to try this or look here, look there, that
11 sort of thing?

12 A. No.

13 Q. You never gave advice to law enforcement
14 in their investigation?

15 A. No.

16 Q. Have you spoken to the state attorney's
17 office up here about it?

18 A. No.

19 Q. Has Nicole indicated how she believes that
20 K[REDACTED] is not a victim in the restraining order?

21 If she's afraid for somebody to come to
22 her house, how is it that she excises K[REDACTED] from
23 that?

24 A. I'm not going to speak for -- this isn't
25 the totality of it, but K[REDACTED]'s not the victim

1 because there's never been an allegation that --
2 that your client has mistreated K[REDACTED]. K[REDACTED] --
3 she in fact was -- Nicole was adamant that she
4 wanted Beth to continue to see K[REDACTED] and has
5 implored, like, begging you all to just let her see
6 her.

7 Q. So there's no allegation that Nicole is
8 afraid physically for her safety?

9 Because if she's at her house and
10 K[REDACTED]'s necessarily at the house, you know,
11 protective restraining orders would cover anybody in
12 the house.

13 A. You would have to ask Nicole, but I would
14 say that she has voiced concern about her being
15 worried about her physical safety. It was in the
16 text messages. She's never been concerned about how
17 Beth is with K[REDACTED]. That's why she sent an e-mail
18 saying please have contact with her.

19 Q. Well, you know as a prosecutor even if
20 children aren't involved -- let's say in a felony
21 battery, right, and some guy hits his wife and it's
22 really serious, they include the kids in that no
23 contact order because they're in the same house,
24 right?

25 A. Not in all cases, no.

1 Q. Well, it's pretty standard if a child is a
2 witness to this.

3 A. Well, your client hasn't even signed the
4 no contact order in the criminal case. So it's not
5 standard. It's --

6 Q. What are you talking about?

7 She was never arrested, by the way. You
8 can take that back to Nicole. They never arrested
9 her.

10 Okay. So --

11 A. Well, if you think --

12 Q. There wasn't a no contact order to sign.

13 A. If you think --

14 Q. She's not evading anything.

15 A. Right. Maybe she wasn't handcuffed, maybe
16 she wasn't handcuffed, but she's -- if you go to --
17 if you go to the website, the clerk's website, it
18 shows the arrest warrant. It shows a bond was
19 posted.

20 Q. She was never physically taken into
21 custody.

22 A. Well, then that's -- I mean, I guess
23 the --

24 Q. Yeah, the little stuff with --

25 A. I guess --

1 Q. -- having her picked up didn't work.

2 A. No, I guess --

3 Q. She was never physically arrested.

4 A. Well, then you know that that's not even
5 proper.

6 Q. I was trying to ask Stephanie. I know, I
7 know.

8 A. But here's the thing, that's not proper.
9 Like, she is required to be arrested.

10 Q. I know Nicole really wanted her arrested
11 and it didn't happen.

12 A. No, there was a warrant. If you're saying
13 she wasn't arrested, then that warrant should be
14 active. You have a court date. You have a court
15 date.

16 Q. Listen, don't -- don't take it from me.
17 I'm just telling you --

18 A. But that's what your client is saying.

19 Q. -- they walked it back. I was here. I
20 would have walked her through. I take care of my
21 clients.

22 A. I would ask your client because I can tell
23 you right now --

24 Q. She never went to jail. She never was
25 arrested.

1 A. But that warrant was cleared. And guess
2 who would have cleared it. It wasn't Delray.

3 Q. The state attorney's office.

4 A. She has a -- she had a warrant. There's a
5 criminal case.

6 Q. Check into it. You know more about this
7 than Nicole does, than Stephanie does. Check into
8 it. She was never arrested.

9 A. No, there's an information filed. There
10 was a warrant. She posted a bond.

11 MS. REID: This is her criminal attorney
12 saying it. Something is not right.

13 THE WITNESS: Okay.

14 MS. REID: It has to be within --

15 THE WITNESS: Then maybe we should look at
16 the Palm Beach Sheriff's Office.

17 BY MS. KING:

18 Q. Because your girlfriend's cops were all
19 over my client's apartment waiting for her to step
20 outside --

21 A. No, I can --

22 Q. -- and she was never arrested.

23 A. First of all, I take -- I again take issue
24 with you calling her my girlfriend. And, secondly,
25 I do not believe anyone was standing outside your

1 client's door waiting for her to be arrested. The
2 only -- I believe the only thing that she was served
3 with was the restraining order.

4 As far as the criminal case --

5 Q. They were waiting for her at her apartment
6 and then she was never arrested.

7 A. Well --

8 Q. She was never forced to turn herself in.
9 It's just the way it was.

10 A. Well, you might want to ask her chief and
11 see how a warrant gets quashed in a state attorney's
12 office.

13 Q. I know. I've never had a phone call from
14 the jail saying your client doesn't need to bring
15 her shower shoes.

16 A. Well, maybe her --

17 Q. I'm sure Nicole will be disappointed.

18 A. Maybe her agency was able to pull some
19 favors.

20 Q. No, they weren't. They wouldn't get
21 involved. I tried to ask them.

22 A. They did get involved. They were there
23 for the restraining order.

24 Q. No, I know all that. No, I know all that,
25 but I'm saying -- no, there was nothing untoward.

1 She -- she was surprised.

2 A. How did she get a court date then?

3 Q. They mailed it to her. I'm telling you,
4 she was never arrested.

5 A. Well --

6 Q. So everybody can just -- Stephanie was
7 surprised. Everybody's disappointed. It just never
8 happened.

9 A. Well, I think it's a play on the word
10 arrest because I know that she was given a notice to
11 appear for her first --

12 Q. But she didn't process through the jail.
13 She didn't have --

14 A. No, right, she wasn't processed through
15 the jail.

16 Q. That's an arrest.

17 A. That's --

18 Q. She was never taken into custody.

19 A. But you can be arrested --

20 Q. She was given a notice to appear. That's
21 what it's called up here.

22 Anyway, so if the investigation entailed
23 Stephanie and then Nicole's report to Stephanie, was
24 there anybody else that you had contact with, with
25 the Delray Beach Police Department chiefs or

1 lieutenant chiefs or prosecutors? Anybody else?

2 A. No.

3 Q. Okay. How many conversations have you had
4 with Nicole about this situation?

5 A. About the situation? I mean --

6 Q. Yes, about Bethany and this restraining
7 order and the --

8 A. We've discussed it. I mean, she knows I'm
9 here for a deposition. She knows that I've read the
10 text messages. I mean, we've discussed it, as you
11 know, because I've answered questions from
12 information that she's provided to me.

13 Q. Yup. Okay.

14 A. But I also was present for the statements
15 that K██████ made about your client.

16 Q. So has any effort been made to inform DCF
17 about the fact that this adoption that went through
18 in February was -- the marriage was over by April?
19 Are you aware of that?

20 A. I don't see why you would need to, but I'm
21 not aware of anyone contacting -- other than the
22 state attorney's office contacting DCF to have
23 K██████ interviewed, that's the only knowledge that
24 I have that DCF --

25 Q. Were you there for that interview?

1 A. Oh, god, no, no.

2 Q. DCF came to interview K [REDACTED]?

3 A. From what I was told, DCF interviewed
4 K [REDACTED] at the school and then I believe they went
5 and interviewed Nicole. Then they attempted to
6 interview your client. And I believe that DC --
7 yeah, that's what I know, DCF did that.

8 Q. Nicole told you all this?

9 A. Yeah. K [REDACTED] did too.

10 Q. Okay.

11 A. I mean, K [REDACTED] said "a man came to talk
12 to me."

13 Q. Have you ever told K [REDACTED] I don't want to
14 talk to you about anything having to do with mommy,
15 Bethany or anything like that?

16 Have you had tried to put the brakes on
17 conversations like that?

18 A. K [REDACTED] doesn't talk about -- the only
19 thing that K [REDACTED] brings up is asking questions
20 like why Beth won't respond to text messages or
21 phone calls.

22 And the other thing that's troubling her
23 is this iPad which your client has still not
24 unlocked.

25 Q. Well, now it's evidence, I guess.

1 A. No, it's wiped.

2 Q. Who wiped it? How were they able to wipe
3 it if it was locked?

4 A. I'm telling you it's locked, meaning you
5 can't even -- in order to reset it -- you can reset
6 it. An attempt was made to reset it. When the
7 attempt was made to reset it, it's saying you still
8 can't reset it because it's still connected.

9 Q. Because you made too many attempts?

10 A. No, no, no, because it's still connected
11 to your client's iCloud and it's still connected
12 like Find my Phone.

13 Q. Okay.

14 A. But it's -- you can't do anything with it.
15 So hopefully she will do something.

16 So that's the conversation with K[REDACTED].
17 She is -- she really wants to know what's going on.

18 Q. Well, that's why I think we just need to
19 get through this hearing. Because we were talking
20 about continuing it, but --

21 A. But you know that -- you know --

22 MS. REID: Well, the client's agreeable to
23 figuring out a time-sharing schedule. She's
24 totally open to that.

25 MS. KING: I'm not -- just like Baker

1 wouldn't answer questions about the family
2 lawyers, I'm not her family attorney.

3 MS. REID: But they told me I had to talk
4 to you about it.

5 MS. KING: I'm not -- I'm not going to
6 because there's also a criminal no contact.

7 THE WITNESS: No, there's isn't.

8 MS. KING: Whether she signed it or not.

9 THE WITNESS: There's not though.

10 MS. KING: Well, she's not going to do
11 anything, especially with the way this
12 investigation has gone down, that's going to
13 put, meaning Bethany, her at risk for what they
14 would do next, like just show up at her
15 apartment --

16 THE WITNESS: But even --

17 MS. KING: -- and arrest her and claim it
18 was violated.

19 THE WITNESS: I just have to tell you,
20 Nellie, this nine year old daughter -- this
21 nine year old kid wants answers. And I know
22 that you're doing your job, but even if you
23 had -- I mean, she's suggesting maybe lunch for
24 Mother's Day. This kid is not going to come
25 back from this. She's been abandoned already.

1 And I don't --

2 MS. KING: I agree with you. Don't get me
3 started with my thoughts on it.

4 This is the problem though, whether it's
5 me or the family lawyers, we have two -- I
6 mean, I would take the criminal no contact
7 order even if she didn't sign it because I've
8 done this work enough to know I'm not going to
9 put her at risk for, oh, I thought this, but
10 really something else was the case.

11 I proposed a global mediation about
12 everything because, to me, a lot of this is
13 just garbage in the sense that -- and I'm not
14 making light of what your -- you know, what
15 Nicole is saying. Have a conversation. Let
16 Stephanie talk to her. I'll bet you none of
17 this would have gone on after somebody like
18 Stephanie Baker said, look, she made this
19 report, it needs to stop or else this is going
20 to happen.

21 THE WITNESS: But she knew about it.
22 Nicole told her.

23 MS. KING: But in a way -- what I'm
24 saying is Bethany -- Nicole kind of endorsed --
25 like, when stuff came up and then she wants to

1 kind of forgive and forget and then come do
2 this and then dinners and this and that -- and,
3 yeah, it's not -- this is not what I would do.
4 If I broke up with someone, it's not what I
5 would do. It's probably not what you would do,
6 not what you would do. None of it's rational.
7 But everybody needs to act like adults.

8 THE WITNESS: Of course.

9 MS. KING: And there was no responsibility
10 taken by Nicole. You know, here's a report, go
11 and interview the person and say unless it
12 stops we're going to have you arrested, unless
13 it the stops we're going to have a restraining
14 order against you.

15 THE WITNESS: Which she was told that and
16 she continued. But I --

17 MS. KING: Right. But I'm saying Nicole
18 continued to --

19 THE WITNESS: You're editorializing your
20 side of the case. I'm just saying from the
21 person who's been with K [REDACTED] -- I understand
22 what you're saying, but I know that she's even
23 suggesting go to lunch for Mother's Day.
24 Someone else can drop off K [REDACTED]. Someone
25 else can -- it could be outside of the county.

1 MS. KING: I'll talk to her law office.

2 MS. REID: I mean, I do it all the time.

3 I'm agreeable to --

4 MS. KING: I'll talk to Charlie about it,
5 but it was kind of -- I mean, the family
6 lawyer, that Brittany, was the one that cut
7 everything off.

8 MS. REID: Yeah. And it's not necessary
9 because I can send an agreed -- we can send an
10 agreed injunction to Judge Burton. He'll sign
11 it instantly. That takes K [REDACTED] out of it.

12 THE WITNESS: The court says she can see
13 her for Mother's Day and it will be absolutely
14 no violation, but it's irreparable what this
15 girl is going through and she wants answer.

16 MS. KING: I'm sure. It's not lost on me.

17 MS. REID: I'm sorry that I have to go.

18 MS. KING: That's okay.

19 THE WITNESS: Did you have --

20 MS. KING: No. Is there anything else you
21 want to add to your statement that either you
22 want to clarify or correct?

23 THE WITNESS: I just ask to read if you do
24 transcribe it and -- I mean, I'm not saying
25 that's the depth of my knowledge, but if you

1 decide you wanted to ask me more questions, you
2 can just reach me.

3 MS. KING: Okay.

4 (Witness excused.)

5 (The deposition was concluded.)

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1 CERTIFICATE OF OATH

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3

4 THE STATE OF FLORIDA)

5 COUNTY OF PALM BEACH)

6

7 I, Beth L. Kelly, Florida Professional

8 Reporter, Notary Public, State of Florida, certify

9 that COLLEEN DUNNE personally appeared before me on
10 the 6th day of May, 2019, and was duly sworn.

11

Signed this 16th day of May, 2019.

12

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Beth L. Kelly, FPR

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1 CERTIFICATE OF REPORTER

2

3 STATE OF FLORIDA)
COUNTY OF PALM BEACH)

4

5 I, BETH L. KELLY, Florida Professional
6 Reporter, certify that I was authorized to and did
stenographically report the deposition of COLLEEN
7 DUNNE; that a review of the transcript was
requested; and that the transcript, Pages 1 through
8 66, is a true and complete record of my stenographic
notes.9 I further certify that I am not a
10 relative, employee, attorney, or counsel of any of
the parties, nor am I a relative or employee of any
11 of the parties' attorney or counsel connected with
the action, nor am I financially interested in the
12 action.13 The certification does not apply to any
reproduction of the same by any means unless under
14 the direct control and/or direction of the reporter.

15 Dated this 16th day of May, 2019.

16

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Beth L. Kelly, FPR

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THE LAW FIRM OF
CHARLES D. JAMIESON, P.A.



Charles D. Jamieson, Esquire
Board Certified in Marital and Family Law

Doreen Inkeles, Esquire
Board Certified in Marital and Family Law

Nikki Devidze, Esquire
Associate Attorney

Brittani S. Gross, Esquire
Associate Attorney

March 19, 2019

Sent via Email

[Nikoli788@aol.com]

Nicole Guerriero
4553 Highgate Drive, Unit C
Delray Beach, FL

Re: Guerriero v. Guerriero
NON-COMPLIANCE WITH PARENTING PLAN

Dear Ms. Guerriero:

As you know, this office represents your Former Spouse, Ms. Fedorenchik. This letter will serve to notify you that you are in non-compliance with the *Agreed Parenting Plan* by failing to keep Ms. Fedorenchik informed regarding the whereabouts of the minor child.

Pursuant to Article IV, Paragraph 4.6. Informed Whereabouts:

Each parent shall keep the other parent informed regarding the whereabouts of the minor child, including with respect to overnight visits with relatives or friends. If a child will spend more one or more overnights outside of the residence of the parent, that parent will provide to the other parent, upon request, **the addresses**, telephone numbers of each location, the length of the stay, and the name of all persons who may provide care for the child during the stay, **the departure time** and date, **and the time** and date **of the child's return or arrival**.

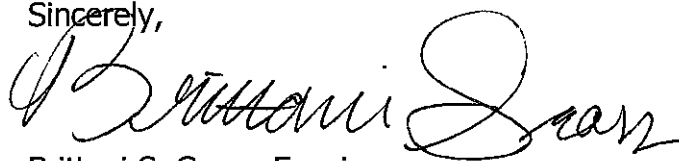
You have indicated to Ms. Fedorenchik that you intend to take the child to Key West tomorrow until Friday. You are refusing to provide the address of where the minor child will be staying, and you have failed to inform Ms. Fedorenchik of the minor child's departure and return times.

Guerriero
Page 2
March 19, 2019

If you do not comply with the *Agreed Parenting Plan* immediately and provide Ms. Fedorenchik with the address of whether the minor child will be staying in Key West, as well as her departure and return times, we will pursue contempt and enforcement proceedings and seek attorneys' fees and sanctions against you under Section V of the *Marital Settlement Agreement* for all fees and costs incurred in connection with any litigation on your non-compliance.

We are prepared to move the Court to find you in contempt and will be seeking sanctions. I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brittani S. Gross".

Brittani S. Gross, Esquire

From: Brittani Gross <bgross@cjamiesonlaw.com>

Date: Wednesday, March 27, 2019 at 10:48 AM

To: Nellie King <Nellie@CriminalDefenseFla.com>

Subject: FW: Guerriero and Guerriero: URGENT CORRESPONDENCE from Attorney for Bethany Fedorenchik RE NON-COMPLIANCE WITH PARENTING PLAN

From: Nicole Guerriero <nikoli788@aol.com>

Sent: Tuesday, March 19, 2019 9:11 PM

To: Brittani Gross <bgross@cjamiesonlaw.com>

Subject: Re: Guerriero and Guerriero: URGENT CORRESPONDENCE from Attorney for Bethany Fedorenchik RE NON-COMPLIANCE WITH PARENTING PLAN

Bethany was served with a restraining order this evening. I believe this will create some ambiguity as to how the exchanges of our daughter will occur moving forward. Due to the fact that we have no contact during exchanges, I am agreeable with them continuing as is.

Also, I am offering her the right of first refusal for April 4th through April 7th. I am willing to trade for Beth's days the week before or the week after if she is agreeable.

Please let me know.

Sent from AOL Mobile Mail

Get the new AOL app: mail.mobile.aol.com

On Tuesday, March 19, 2019, Brittani Gross <bgross@cjamiesonlaw.com> wrote:

Ms. Guerriero,

Attached please find an Urgent Correspondence of today's date regarding your non-compliance with the parenting plan.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

ATTACHMENT F

Brittani S. Gross, Esq.

The Law Firm of Charles D. Jamieson, P.A.
1601 Forum Place, Suite 1002
West Palm Beach, FL 33401
Telephone: 561-478-0312 ext. 315
E-Mail: bgross@cjamiesonlaw.com
Secondary E-Mail: cdj@cjamiesonlaw.com
www.cjamiesonlaw.com

"Because Your Family Counts, You Can Count on Us"

Consider the environment before printing this e-mail. Think Green.

Notice of Confidentiality:

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Replies filtered:

Any incoming e-mail reply to this communication will be electronically filtered for "spam" and/or "viruses." That filtering process may result in such reply being quarantined (i.e., potentially not received at our site at all) and /or delayed in reaching us. For that reason, we may not receive your reply and/or we may not receive it in a timely manner. Accordingly, you should consider sending communications to us which are particularly important or time-sensitive by means other than e-mail.

From: [Kearney, Stephanie](#)
To: [Crane-Baker, John](#)
Subject: PC
Date: Wednesday, March 20, 2019 8:26:00 PM
Attachments: [PC.docx](#)

This is a lot harder then one would think due to not being able to add the 8 pages of text. I was requested to try and have this to the ASA's office by Friday so I have two days to get this knocked out...eeeeekkkk..Can you please take a look and let me know what you think. Steph

ATTACHMENT G

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 2019DR002547XXXXSB
DIVISION: FX

NICOLE GUERRIERO,
Petitioner,

vs.

BETHANY FEDORENCHIK GUERRIERO,
Respondent.

_____/

- - -
DEPOSITION OF STEPHANIE BAKER
A WITNESS
TAKEN BY THE RESPONDENT
- - -

MONDAY, MAY 6, 2019

9:40 A.M. - 12:40 P.M.

ATTACHMENT H

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I N D E X

MONDAY, MAY 6, 2019

STEPHANIE BAKER

	DIRECT	CROSS	REDIRECT	RECROSS
By Ms. King	4			
By Ms. Reid		158		

By Ms. King

4

By Ms. Reid

158

E X H I B I T S

RESPONDENT'S	DESCRIPTION	ID'D	MARKED
(No exhibits marked.)			

DESCRIPTION

ID'D MARKED

(No exhibits marked.)

Signature letter to Stephanie Baker

Errata Sheet (to be forwarded on execution)

1 The deposition of STEPHANIE BAKER, a
2 Witness in the above-entitled and numbered cause,
3 was taken before me, Beth L. Kelly, Florida
4 Professional Reporter, Notary Public for the State
5 of Florida at Large, at Law Offices of Nellie L.
6 King, PA 319 Clematis Street, Suite 107, in the City
7 of West Palm Beach, County of Palm Beach, State of
8 Florida, on Monday, the 6th day of May, 2019.

9

10 APPEARING ON BEHALF OF PETITIONER:

11 ANDREA REID, ESQ.
12 THE REID LAW GROUP
13 2101 NW Corporate Boulevard, Suite 410
 Boca Raton, FL 33431
 (561) 948-5685

14

15 APPEARING ON BEHALF OF RESPONDENT:

16 NELLIE KING, ESQ.
17 LAW OFFICES OF NELLIE L. KING, PA
18 319 Clematis Street, Suite 107
 West Palm Beach, FL 33401
 (561) 833-1084

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1 THEREUPON,

2 STEPHANIE BAKER,

3 having been first duly sworn by me, was examined and
4 testified as follows:

5 THE WITNESS: So help me god, I do.

6 DIRECT EXAMINATION

7 BY MS. KING:

8 Q. Can you state your name for the record.

9 A. Stephanie Baker, B-A-K-E-R, ID 935, City
10 of Delray Beach Police Department.

11 Q. So I see your shirt says Baker, right?

12 A. Yes.

13 Q. And at one point your reports indicated
14 Kearney or Kearney?

15 A. Kearney, correct.

16 Q. Kearney. Is Kearney your married name or
17 is Baker?

18 A. Baker is my married name.

19 Q. Okay. So when this report was drafted
20 in --

21 A. 2017.

22 Q. Well, I guess this started in 2017. You
23 were known as Deputy Kearney?

24 A. Correct, K-E-A-R-N-E-Y. Same ID, 935.

25 Q. Okay. How long have you worked for Delray

1 Beach?

2 A. 14 and a half years.

3 Q. And what is your position there?

4 A. I'm now in the training unit.

5 Q. How long have you been in that position?

6 A. A year and a half.

7 Q. All right. No change in position with the
8 new chief coming in?

9 A. No.

10 Q. What did you do prior to coming here today
11 to review for your deposition? What did you do in
12 preparation?

13 A. I went over my case file, my working file.

14 Q. And I see you have that with you.

15 A. I do.

16 Q. Okay. Did you speak with Nicole Guerriero
17 prior to coming here today, meaning between last
18 week and today?

19 A. In reference to this case, no. Did I see
20 her in the hall and say hello to her, yes.

21 Q. You did not have any conversations about
22 this case?

23 A. In reference to any of this case, no.

24 Q. Okay. How long have you known Nicole
25 Guerriero?

1 A. 14 and a half years.

2 Q. Okay. Was she involved in your hiring in
3 any way?

4 A. She was not.

5 Q. Has she ever been your supervisor?

6 A. She has not.

7 Q. Are you friends with her?

8 A. Yes.

9 Q. Okay. Describe your relationship with
10 her.

11 A. I see her at work on occasions. We're in
12 two different buildings. And even when we weren't
13 in two different buildings, I did violent crimes for
14 eight years in homicide. So, you know, I was in a
15 locked area of the police department.

16 We hang out occasionally. And when I mean
17 occasionally, a handful of times, if that, from the
18 time that we've become friends. I've known her for
19 14 and a half years. Haven't been friends with
20 her -- been friendly with her for that long.

21 Q. When did the friendship develop?

22 A. I would say after her cancer. So maybe
23 the last five years. Four or five years.

24 Q. My understanding was the cancer was, I
25 think, in 2008, 2009.

1 A. That's right. I said after her cancer.

2 MS. KING: We can go off the record.

3 (A discussion was had off the record.)

4 BY MS. KING:

5 Q. We were talking about you became friendly
6 with Nicole Guerriero after her cancer; is that
7 right?

8 A. Correct.

9 Q. And as I understand it, her cancer was
10 2008, 2009?

11 A. Right.

12 Q. So fair to say you started your
13 relationship with her or friendship with her around
14 that time period?

15 A. No, it was sometime after she had gotten a
16 separation with her husband. And while she was
17 going through the cancer I gave her a, you know,
18 feel better, good luck, congratulations letter on
19 beating the cancer. And again, we would see each
20 other in the hallways. It wasn't until sometime
21 later that we actually became friends.

22 Q. The question was when was the cancer
23 because that's when you identified the friendship as
24 commencing.

25 A. I said after -- I said after the cancer.

1 Q. So if it was 2008, 2009, it would have
2 been after that?

3 A. Correct.

4 Q. Okay. Now, you said you occasionally see
5 her. I guess you're indicating out of work? And
6 we're talking about Nicole.

7 A. Correct.

8 Q. All right. So describe the social times
9 you've spent with Nicole. Where? When? What
10 occasion?

11 A. Death of a co-worker, two. Everybody went
12 out to a bar and grill the anniversary of deaths of
13 a co-worker.

14 Q. Are you talking about Christine Braswell?

15 A. No. I'm talking about Adam Rosenthal and
16 Christine Braswell.

17 Q. Okay. So the first time you were
18 describing at some sort of bar, was that for Adam's
19 funeral?

20 A. That was for both. After each funeral,
21 the department put out information that everybody
22 was going to a particular location to celebrate
23 their memory.

24 Q. Okay. And what year was Adam's death?

25 A. Adam's death was in 2011.

1 Q. Okay. And so what did that entail?

2 A. She was there. I was there. I said hello
3 to her. There was a multitude of people there. I
4 had friends in town from out of state. That was it.

5 Q. Okay. How about times where you've gone
6 out with her or other folks, other times other than
7 these funerals or wakes? Where have you met and for
8 what purpose?

9 A. We have had -- we have a mutual friend in
10 common that we went out to dinner with. Again,
11 maybe a handful of times, if that.

12 Q. Okay. Who's the mutual friend?

13 A. Her name is Millie.

14 Q. What's her last name?

15 A. Is that relevant to put on a record?

16 Q. Yeah. I'm trying to establish your
17 relationship with the complaining witness in this
18 case.

19 A. Uh-huh.

20 Q. And you indicated "a handful of times."

21 A. Yes.

22 Q. You have a mutual friend. So who is the
23 mutual friend? Where would you go?

24 A. We would go to dinner.

25 Q. Okay. Who's Millie?

1 A. Millie is our mutual friend.

2 Q. What's her last name?

3 A. Wilkinson.

4 Q. Is she a police officer as well?

5 A. She is not.

6 Q. How do you -- what's the commonality
7 between the relationships?

8 A. Millie is a friend of Nicole's and she is
9 a friend of mine.

10 Q. Okay. How many times do you think you've
11 had that mutual dinner or outing with Millie and
12 Nicole?

13 A. Maybe four or five times.

14 Q. Do you go to bars?

15 A. We go to sports bars and grills.

16 Q. Okay. So four to five times with her.
17 How about -- and then you mentioned the two times
18 over Christine and Adam's death. How about other
19 locations or occasions that you would go out with
20 Nicole?

21 A. I think I've met her for coffee twice in
22 the morning.

23 Q. How about other times?

24 A. I think we did a bachelorette party.

25 Q. Where was that?

1 A. Down south in Coconut Creek at a winery.

2 Q. And was that yours?

3 A. Yes, it was.

4 Q. Okay. And when was that?

5 A. It was in 2018.

6 Q. So was Nicole at your wedding?

7 A. She was not.

8 Q. Was it -- was she ever at any sort of
9 celebratory dinner for your wedding?

10 A. Just my bachelorette party --

11 Q. She didn't go out with you afterwards to
12 celebrate at dinner?

13 A. No, she did not.

14 Q. Where did you get married, meaning was it
15 a destination wedding where there were just a few
16 people or was this open to a number of folks?

17 A. It was open to a number of folks.

18 Q. And you never had any sort of celebration
19 just with Nicole with a handful of people at dinner
20 or afterwards --

21 A. I had --

22 Q. -- around that time period?

23 A. -- a bachelorette party and that's what
24 Nicole attended. I did not have any additional
25 parties in regards to my private life.

1 Q. Has she ever bought you -- meaning
2 Nicole -- any gifts?

3 A. She did not get a gift for the wedding.
4 She didn't go. She didn't get a gift for the
5 bachelorette party. I think -- no, I don't recall
6 her ever giving me any gifts.

7 Q. Do you communicate with her by e-mail on a
8 frequent basis other than work issues?

9 A. No.

10 Q. So you've never e-mailed her outside of
11 work purposes?

12 A. No.

13 Q. Have you e-mailed her about this case?

14 A. Via work, if she was sending me e-mails
15 that she had received from Bethany.

16 Q. Okay. How about social media, are you
17 friends with her on social media?

18 A. Facebook, yes.

19 Q. You ever posted anything, pictures of you
20 and Nicole?

21 A. There might be one or two out there from
22 maybe my bachelorette party or a dinner with Millie.
23 But again, we've only hung out a handful of times.
24 So there's not much out there.

25 Q. Have you ever seen a post that she's

1 uploaded where she calls -- she calls you "my girl
2 Steph?"

3 Have you ever been tagged in that or aware
4 of her calling you "my girl Steph?"

5 A. It could be. I've had Facebook forever.
6 So I can't say I can recall an exact tag of her
7 saying that.

8 Q. Do you know what night that was that there
9 was a picture of you and she calls you "my girl
10 Steph?"

11 Do you know what occasion that was, what
12 handful of times that was?

13 A. No, I don't remember the -- I don't recall
14 that quote. So I can't remember what date it was.

15 Q. You ever purchase her gifts?

16 A. Her, no.

17 Q. Meaning Nicole.

18 No?

19 A. No.

20 Q. She advised that you have purchased gifts
21 for her daughter; is that correct?

22 A. I have.

23 Q. How many times have you done that?

24 A. Maybe two, three times.

25 Q. That's K [REDACTED]?

1 A. Correct.

2 Q. Okay. Has she purchased gifts for your
3 daughter or child? I don't know if it's a boy or a
4 girl.

5 A. I'm going to ask that you get that
6 question certified.

7 Q. Do the children go to school together?

8 A. I'm going to ask that you get that
9 question certified.

10 Q. How long have the children known each
11 other?

12 A. I'm going to ask that you get that
13 question certified.

14 Q. Have you ever spent the night at Nicole's
15 house?

16 A. I have not.

17 Q. Has your child ever spent the night at
18 Nicole's house?

19 A. I'm going to request that you get that
20 question certified.

21 Q. You ever gone on vacation with Nicole?

22 A. No.

23 Q. Okay. You had to think about that. Are
24 you sure?

25 A. Yeah.

1 Q. Have you met Colleen Dunne?

2 A. I have.

3 Q. How do you know Colleen?

4 A. She was the attorney in Christine
5 Braswell's case.

6 Q. When did you meet her?

7 A. Maybe last year when she was working on
8 Christine's case.

9 Q. Did you go down for the sentencing
10 recently or the plea?

11 A. I did not.

12 Q. Were you good friends with Christine
13 Braswell?

14 A. I don't see how that has any relevance to
15 this case.

16 Q. Okay. Answer the question, please.

17 A. I'm going to request that you get it
18 certified. I don't see the relevance to this case.

19 Q. You have to answer the question. You
20 don't have a right to obstruct. This is a
21 deposition, it's not a murder trial, okay.

22 The question is: Were you good friends
23 with her?

24 A. Did I know her, yes.

25 Q. Okay. The question -- were you good

1 friends with Christine Braswell?

2 A. Did I know Christine Braswell, yes.

3 Q. You will not answer the question whether
4 you were friends with her?

5 A. I am answering the question.

6 Q. Okay. Did you ever socialize with her?

7 A. Yes, I did.

8 Q. How many times did you socialize with
9 Chris --

10 A. I don't recall.

11 Q. Okay. You have to let me finish the
12 question. She's got a really hard time typing this
13 up.

14 A. Okay.

15 Q. My question to you is: How many times did
16 you socialize with Christine Braswell?

17 A. I don't recall.

18 Q. Was that because it was -- it was numerous
19 occasions or you're just -- you have no memory of
20 it, of a number?

21 A. It's because I've known her for 14 and a
22 half years and I don't particularly care to bring up
23 her memory or her death.

24 Q. You're aware that Chris -- that Colleen
25 Dunne is dating Nicole?

1 A. No, I'm not.

2 Q. Have you ever seen them together?

3 A. In a social outing maybe.

4 Q. Okay. Tell me about those outings.

5 A. I think Nicole had her over to watch her
6 child and we all went to dinner.

7 Q. Okay. When was that?

8 A. 2018.

9 Q. So it's your testimony that Nicole would
10 have Colleen Dunne come from Key West or the Keys to
11 come up and watch the child?

12 A. I don't know where Colleen was coming from
13 when she opted to do that.

14 Q. All right. So you all are out to dinner
15 together, is that your testimony, you and Colleen
16 and Nicole?

17 A. We have been out to dinner together, yes.

18 Q. How many times have you been out to
19 dinner with --

20 A. Once.

21 Q. -- Nicole and Colleen?

22 A. Once.

23 Q. Where was it?

24 A. I don't recall the restaurant.

25 Q. Okay. So if Colleen is with you, she's

1 not watching the child, right? She's not watching
2 K [REDACTED]?

3 A. Not if she's with us, no.

4 Q. Okay. So have you ever seen them
5 romantically linked?

6 A. No.

7 Q. Are you aware that they're romantically
8 linked?

9 A. I am not.

10 Q. Do you text with Nicole?

11 A. Yes.

12 Q. About issues other than work?

13 A. Yes.

14 Q. What has Nicole told you about Colleen?

15 A. She worked very hard on Christine's case,
16 that's where she met her, and that she's a good
17 person. We're all very attached to Christine's
18 case. Therefore, she was the one working on it.

19 Q. When was the last time you spoke to Nicole
20 about Colleen?

21 A. When they were gonna -- when she was going
22 up for the sentencing.

23 Q. And what did she tell you?

24 A. She was asking me if I was gonna go and
25 letting me know that she was gonna come and help out

1 with K[REDACTED]y.

2 Q. Who?

3 A. Colleen.

4 Q. And when was that?

5 A. Before the final sentencing. I don't know
6 the exact date.

7 Q. So it was your understanding that Colleen
8 was coming up here to take care of K[REDACTED] around
9 the time of the sentencing that she was doing in the
10 Keys?

11 A. No. It's my understanding that after the
12 sentencing she was going to come up and assist.
13 Nicole had a schedule change.

14 Q. So Colleen spends the night at Nicole's
15 house?

16 A. I don't know where Colleen stays when
17 she's here.

18 Q. You don't know where she watches K[REDACTED]?

19 A. I'm assuming she watches her at Nicole's.
20 I don't know if they leave the home or not. I have
21 not inquired.

22 Q. Have you seen Colleen with K[REDACTED]?

23 A. No.

24 Q. These dinner and social things, K[REDACTED]
25 doesn't come with you all?

1 A. I've only had one dinner with her. No,
2 K [REDACTED] was not there.

3 Q. With Colleen, you mean?

4 A. Correct.

5 Q. Have you texted or e-mailed or sent cards
6 or any other correspondence to Colleen Dunne?

7 A. Text in reference to dates of Christine's
8 sentencing.

9 Q. Were you at a party when -- well, it was
10 around the time of Christine Braswell's death at the
11 K9 officer's house. Were you at that party?

12 A. I was not.

13 Q. Do you know who I'm -- who's the K9
14 officer for your department?

15 A. We have four of them. So you're going to
16 have to be a little more specific.

17 Q. His last name is Mintus.

18 A. Okay. Andrew Mintus.

19 Q. Have you ever been to Andrew's home for a
20 party?

21 A. I have not.

22 Q. Did you ever hear anything about that
23 party at Andrew's house, anything that occurred
24 during that time period?

25 A. I think your client might have mentioned

1 it to me when she was talking about Nicole about her
2 going over to Andrew's.

3 Q. What did she say, meaning Bethany?

4 A. That Nicole had went over to Andrew's for
5 a party. She was concerned about her intake of
6 alcohol and mental status.

7 Q. Okay. But she didn't -- that was before
8 the party, I guess, or during the party; is that
9 right?

10 A. No, that was after the party.

11 Q. Okay. No mention of what happened
12 actually at the party between any of these attendees
13 from Bethany to you?

14 A. No, not that I'm aware of.

15 Q. Okay. Did you hear anything within the
16 department about anything that happened during that
17 party that was out of the ordinary?

18 A. No.

19 Q. Bethany was not at that party, to your
20 understanding; is that right?

21 A. I was not there, so I couldn't advise.

22 Q. Well, you were indicating that she was
23 talking to you about Nicole going to it afterward,
24 right?

25 A. That Nicole went there. She never advised

1 if she was there or not.

2 Q. Okay. So did she make it sound like she
3 was there?

4 A. She had stated she was concerned for
5 Nicole's mental health and well-being. I don't know
6 if she went and then left or if she went and stayed
7 and saw whatever you're trying to imply happened
8 there. I don't know. I wasn't there.

9 Q. Do you know a Charlie Navarro?

10 A. Yes.

11 Q. Okay. Have you met him?

12 A. Once.

13 Q. When did you meet him?

14 A. It was at a police ball.

15 Q. And when was that?

16 A. 2018.

17 Q. Do you know what month?

18 A. I believe they're usually in May.

19 Q. And how do you know him? What
20 relationship is he to this?

21 A. He is a friend of Nicole's.

22 Q. Was he ever a boyfriend of Nicole's?

23 A. I couldn't advise. I'm not in her
24 personal relationships.

25 Q. Did you see them romantically linked or

1 displaying affection towards each other at the
2 policeman's ball?

3 A. I did not.

4 Q. Do you ever know -- well, how many times
5 have you been to Nicole's house?

6 A. A handful of times maybe.

7 Q. Define handful.

8 A. Maybe five.

9 Q. So your testimony is that you've only been
10 to her house five times dropping off children,
11 picking up children, all of that?

12 A. I'm not going to answer whom or what I was
13 dropping off.

14 Q. Okay. The point is -- you're under oath.

15 A. I have been to Nicole's house probably
16 about five times or so.

17 Q. How many times has Nicole been to your
18 house?

19 A. Probably about five times or so.

20 Q. Did Nicole ever tell you that Charlie was
21 her boyfriend?

22 A. No. She said that he's a friend.

23 Q. During this time period, 2018, did Charlie
24 ever live at Nicole's house?

25 A. I have no idea.

1 Q. When you all would go out, tell me about
2 the alcohol consumption, meaning Nicole. How much
3 would she drink when you guys would go out?

4 A. One, maybe two drinks, if that. We're
5 there for dinner and that's it. So ...

6 Q. Well, at these sports bars, the other
7 handful of times that you would go out?

8 A. Again, one, maybe two drinks. I don't
9 watch how much she intakes.

10 Q. You never had a concern that she was
11 drinking too much?

12 A. Nope.

13 Q. Around the time of Christine's death, she
14 did have emotional and mental health problems,
15 right?

16 A. No, I would not say that she did.

17 Q. Okay.

18 A. She was emotional. We all were.

19 Q. You weren't aware of her seeking
20 psychiatric treatment around that time period
21 because she had been very, very upset about this,
22 right?

23 A. We were all very upset about it.

24 Q. Okay. So if you're having information
25 come to you through Bethany about Nicole during that

1 time period, that was pretty fair to say, don't you
2 agree?

3 A. No, because I did not know Bethany. That
4 was maybe my second time ever meeting her.

5 Q. Uh-huh.

6 A. So I -- she divulged information that -- I
7 don't know her. I don't know her track record at
8 that point.

9 Q. But you know Nicole, don't you?

10 A. I do.

11 Q. Yeah.

12 So if she's upset during that time period,
13 during the time period of Christine Braswell's
14 death, does any of that make this into your report
15 about her having to take leave and all this stuff
16 around the time period of Nicole's -- of Christine's
17 death?

18 A. Again, I did not speak to her about
19 Christine. That wasn't relevant to the stalking
20 portion of my case.

21 Q. Okay. Tell me about Nicole's reaction to
22 Christine's death?

23 A. She was upset.

24 Q. Describe that.

25 A. Well, I only saw her a handful of times.

1 Again, I worked in a completely different unit. So
2 the public times that we had to go out for media
3 purposes, we were all emotionally upset. We were
4 crying over the death of our co-worker.

5 Q. What do you mean for media purposes? What
6 do you mean out in public for media purposes?

7 A. We had to go out -- the media came to our
8 back lot for our chief to make an announcement and
9 they requested that personnel go out and stand.

10 Q. You were at her funeral, Christine's
11 funeral?

12 A. I was.

13 Q. Was Nicole a supervisor over Christine in
14 any capacity?

15 A. I don't know.

16 Q. All right. Let's talk about -- well, let
17 me ask you this: Have you ever had any internal
18 affairs complaints against you?

19 A. Yes, I have.

20 Q. Tell me about those.

21 A. I had one come in saying that I had used
22 improper -- I had used my title to gain information.

23 Q. What do you -- what type of information?

24 A. An address or a telephone number. Every
25 IA I've had has been unfounded and not sustained.

1 Q. Who lodged that complaint?

2 A. Elizabeth Dunne.

3 Q. Who is that?

4 A. That is the complainant.

5 Q. Is she any relationship to Colleen Dunne?

6 A. She is not.

7 Q. What year was that complaint?

8 A. 2015, 2016.

9 Q. Was she a suspect or a motorist or --
10 like, is she a law enforcement officer? Who is she?

11 A. She is the wife of my ex-husband.

12 Q. What's your ex-husband's name?

13 A. Why is that relevant?

14 Q. What is your ex-husband's name?

15 A. Again, my personal information, why is
16 that relevant?

17 Q. Okay. I'm asking about IA complaints --

18 A. Uh-huh.

19 Q. -- and you just --

20 A. I gave you the name of the complainant.

21 Q. Right.

22 I'm assuming it's Kearney. Is your former
23 name Kearney?

24 A. It is.

25 Q. Okay. So what was the result of that

1 investigation?

2 A. It was unfounded and non-sustained.

3 Q. All right. Tell me about your other IA
4 inquiries.

5 A. Oh, that wasn't an IA. I'm sorry. That
6 was just a supervisor review.

7 Q. Who was your supervisor?

8 A. Gene Sapino.

9 Q. Okay. What's the next one?

10 A. I had one other, and it was in reference
11 to me being in a vehicle while on duty and it was
12 unfounded -- no, while off duty in city limits. And
13 it was unfounded as well.

14 Q. Why is that a problem?

15 A. I was in my patrol vehicle.

16 Q. Oh.

17 A. It was an unmarked vehicle off duty.

18 Q. So that car was supposed to be back at the
19 department or something and you're not driving it?

20 A. Well, no. The -- I guess the individuals
21 that made the complaint assumed that we're not
22 supposed to have our unmarks while we're off duty,
23 and we can.

24 Q. Okay. So was that an IA complaint?

25 A. That was. And it was unfounded as well.

1 Q. Who made that complaint?

2 A. It was an anonymous complainant.

3 Q. And who was the reviewer of that
4 complaint?

5 A. Captain Major.

6 Q. The last name is Major?

7 A. Uh-huh.

8 Q. You have to answer yes or no.

9 A. Yes.

10 Q. Ever been arrested?

11 A. No.

12 Q. Ever had to file bankruptcy?

13 A. No.

14 Q. Ever involved in civil suits?

15 A. No.

16 Q. Ever been a complaining witness in a --
17 meaning outside of your law enforcement duties, but
18 a complaining witness in a criminal case?

19 A. No.

20 Q. How about restraining orders?

21 A. No.

22 Q. All right. Let's talk about this report.

23 Tell me how you first came to be requested to
24 commence this investigation. How did this start?

25 A. I was advised by Nicole that she wanted

1 to -- wanted information in reference to stalking.
2 And that was in 2017.

3 Q. Tell me specifically what she said.

4 A. Well, it was in 2017. I can't recall the
5 exact verbiage. But she was wanting information in
6 regards to stalking. I requested that if she wanted
7 to make a report that we do an interview and go on
8 record.

9 Q. Why did she go to you?

10 A. Because I am one of the stalking
11 investigators for our city. I have trained our
12 department on stalking. I went to stalking classes
13 at one time. I was receiving information from
14 victims of other jurisdictions for stalking because
15 other jurisdictions were not handling them. They
16 view them as civil cases and, as we know, they're
17 criminal cases. She went to me because I've also
18 had multiple larger stalking cases that I've had to
19 work. Most of the detectives back there don't work
20 them.

21 Q. How many other officers deal with
22 stalking?

23 A. Well, there's four violent crimes
24 detectives. So they would go to them. And on most
25 occasions that I know, any stalking case that they

1 get usually comes to me for assistance.

2 Q. So who were the other detectives that
3 could have taken this case?

4 A. Detective Hart.

5 Q. H-A-R-T?

6 A. Yup.

7 Q. Is that a male or female?

8 A. It's a male.

9 Q. What's the first name?

10 A. Joseph.

11 Q. Okay. Who else?

12 A. Detective Moschette.

13 Q. How do you spell that name?

14 A. M-O-S-C-H-E-T-T-E.

15 Q. First name?

16 A. Robin.

17 Q. Is that a female?

18 A. That is.

19 Q. Okay.

20 A. I believe the other officer at the time
21 would have been Detective Leon, Oscar Leon.

22 Q. L-E-A -- L-E --

23 A. L-E-O-N.

24 Q. I'm sorry. Leon?

25 A. L-E-O-N. First name of Oscar, male.

1 Q. Okay. But she came to you and asked you
2 about stalking?

3 A. Yes.

4 Q. Did you see any concern over the fact that
5 the complaining witness was somebody within your own
6 department?

7 A. I did not. I have done multiple cases in
8 regards to officers in our department. This was not
9 my first one.

10 Q. How about cases where the complaint
11 involved somebody as close as -- as a spouse?

12 In other words, that it wasn't a suspect
13 on the street? For example, a residential
14 burglary --

15 A. Yes.

16 Q. -- that was being investigated.

17 A. I have done a case where a cop shot and
18 killed his own son in our city.

19 Q. Right, where he -- so he was -- the
20 officer was being investigated for homicide?

21 A. Correct.

22 Q. Okay. And are there interdepartmental
23 rules that would say maybe it's not a good idea for
24 a friend to be investigating on behalf of another
25 friend their spouse?

1 A. I would say there -- we have general
2 orders. However, in mitigating circumstances, such
3 as cases that we do inside our department, if we are
4 fair and biased and our work is evidentiary, then
5 there's not an issue with it. Like I said, I've
6 investigated multiple of our officers before. Our
7 IA department also investigates our own internal
8 officers.

9 Q. She was the head of IA though at that
10 time, wasn't she?

11 Wasn't Nicole the head of IA when she's
12 asking you to investigate her wife?

13 A. Yes, she was.

14 Q. Okay. And you saw no problem with that?

15 A. I did not.

16 Q. Did you run it up the chain of command,
17 hey, I got my friend here that I work with who wants
18 me to investigate her wife?

19 A. Yes, I requested that it came down from
20 the chief that the victim of this case requests that
21 I do the investigation.

22 Q. Okay. Tell me about that.

23 A. I requested that she got -- had our chief
24 of -- assistant chief of police give approval for me
25 to investigate this case so that there would not be

1 an issue.

2 Q. Did you do that verbally? In writing?
3 Where's the -- where's the e-mail?

4 I mean, how did you get approval?

5 A. I requested that Nicole get approval. She
6 told me she got approval. And I had spoken with
7 Mary to ensure that it was okay that I worked the
8 case.

9 Q. Okay. So you didn't get approval, you
10 advised the complaining witness, who you term a
11 victim, to go get approval?

12 A. Yes.

13 Q. And then she provided you an e-mail or
14 clearance for that?

15 A. No. She told me she got approval and I
16 went and spoke with Mary and Mary informed me that
17 it was okay for me to work this case.

18 Q. So you obviously did have some level of
19 concern as to whether you'd be investigating it or
20 you wouldn't have sought approval?

21 A. Any of the cases I work with prior with
22 law enforcement officers, which, again, this is not
23 my first one, I ensure that it is okay for me to
24 work the case. That way issues like this don't come
25 up.

1 Q. So when did -- when did Nicole come back
2 to you and say she got the A-okay?

3 A. I don't recall if it was a day or two, but
4 it was shortly after she inquired about a stalking
5 case.

6 Q. And is that anywhere indicated in your
7 report that this went up the chain of command for
8 approval?

9 A. No.

10 Q. Who gave the approval --

11 A. Assistant chief --

12 Q. -- before you?

13 A. -- Olsen.

14 Q. Who?

15 A. Assistant chief Olsen.

16 Q. Mary Olsen?

17 A. Correct.

18 Q. Is she still there?

19 A. She is not.

20 Q. Where is she?

21 A. You would have to ask her. I don't know.

22 Q. Did she retire?

23 A. She left the department, yes.

24 Q. Did she get fired?

25 A. She did not get fired.

1 Q. You don't know where she went?

2 A. No, I do not.

3 Q. Is she still in law enforcement?

4 A. I have no idea.

5 Q. You're aware that Mary Olsen was good
6 friends with Nicole, right?

7 A. No.

8 Q. Okay. Have you ever partied or hung out
9 with Mary Olsen and Nicole at the same time?

10 A. No. We all went to a police banquet
11 together along with 150 other people of the
12 department.

13 Q. In these social outings that you've
14 described, has Mary Olsen ever been to them other
15 than the one you just testified about?

16 A. She was at the bachelorette party and
17 that's it.

18 Q. I'm sorry.

19 Okay. Who else was at --

20 MS. REID: For the record, counsel's
21 laughing.

22 BY MS. KING:

23 Q. Who else was at the bachelorette -- let's
24 just talk about everybody at your party. Who else
25 was there?

1 A. I don't recall their names.

2 Q. Okay. Did you issue formal invitations?

3 A. No, I did not. I didn't host the party.

4 Q. Who hosted the party?

5 A. Sarah Davey.

6 Q. Is she a law enforcement officer as well?

7 A. She is not.

8 Q. What was the name of the winery?

9 A. Cooper's Hawk.

10 Q. Is that the one in North Palm?

11 A. No.

12 Q. Where was it?

13 A. Coconut Creek.

14 Q. What other Delray Beach police officers
15 were at your bachelorette party?

16 A. Officer Gina Gallina.

17 Q. How does she spell her name?

18 A. G-I-N-A G-A-L-L-I-N-A.

19 Q. Who else?

20 A. That's the only other officer that was
21 there.

22 Q. How many people would you estimate were at
23 the party?

24 A. 15.

25 Q. How long did Mary Olsen work at the

1 department --

2 A. I have no idea.

3 Q. -- approximately, if you know?

4 A. I have no idea.

5 Q. And your testimony earlier was that you
6 were not aware that she was good friends with Nicole
7 as well, Mary Olsen?

8 A. No.

9 Q. So your testimony is you have nothing in
10 writing from either Nicole or Mary clearing your
11 involvement in the case, right?

12 A. No.

13 Q. All right. So you indicated Nicole came
14 to you and asked you about stalking and that you
15 recommended that you take an interview with her; is
16 that right?

17 A. Correct.

18 Q. Tell me about that. When, where and who
19 was present?

20 A. It was at the Delray Beach Police
21 Department. It's documented in the supplement. It
22 is recorded and turned into evidence if you want the
23 verbiage.

24 Q. What was the date?

25 A. It was September 20th, 2017 at 1801 hours.

1 Q. Was anybody else in the room?

2 A. No. It's audible and visually recorded.

3 Q. Was it on her working hours, meaning was
4 Nicole on duty when she gave that you statement?

5 A. No.

6 Q. What was the purpose in her doing that?
7 What did she want to happen in September of '17?

8 A. Well, she was being victimized and she
9 wanted to give a statement in reference to that.
10 She was looking for information and wanted me to
11 look over the issues that were going on.

12 Q. But she specifically instructed you not to
13 contact Bethany?

14 A. Yes, which is not odd for stalking
15 victims.

16 Q. So what's the point? What's the point in
17 doing the interview and spending this time with this
18 investigation if it wasn't then to seek an arrest?

19 A. People want information documented.
20 Again, that's not unordinary for stalking victims to
21 come in and request that this get documented out of
22 fear that if their spouse or the person that is
23 stalking them or the person that they're in a
24 domestic relationship or abusive relationship with
25 wants to get the information out there, but are

1 concerned of the reaction of the other party.

2 Q. How many hours do you think you spent on
3 this case?

4 A. Over three months.

5 Q. So how many hours do you think?

6 A. I couldn't tell you how many hours. I
7 spent a very long time on this case. I started in
8 2017 and I picked it up again in 2018.

9 Q. You picked it up, like, three times,
10 right?

11 A. No, like two times.

12 Q. Well, she came to you multiple times
13 saying I want to update things in the report, right?

14 A. No. She -- 2017, she came, the case was
15 documented. She opted not to move forward with an
16 injunction or charges. 2018, she came forward
17 again, requested to reopen the case.

18 Q. And you charged -- let's say it's a
19 homicide case and your department is asked to
20 estimate the amount that this would have cost the
21 department in investigation, right.

22 So what is your hourly rate as an officer
23 that you would, in any other case, tell the state
24 this is what I spent on it and what you should now
25 assess against a defendant?

1 A. I can tell you in the 14 and a half years
2 I've been in law enforcement, I've never been asked
3 in a homicide how many hours I worked on a case.

4 Q. I'm not asking you hours because we can
5 estimate. What I'm asking you is if you are asked
6 to write up, so that the police department can
7 assess against a defendant or a suspect, your bill
8 on the case, what is your hourly rate?

9 A. I would request that they go through our
10 financial department and look at the overtime or
11 hours that were put in.

12 Q. I'm not asking you about the hours.
13 What's your hourly rate?

14 A. \$43 an hour.

15 Q. So I know that you indicate in this report
16 there are thousands of e-mails and text messages,
17 right?

18 A. That is correct.

19 Q. How many text messages?

20 A. I think there was somewhere along 44,000.

21 Q. Of those 44,000 text messages, how many of
22 those were from Nicole?

23 A. I don't recall exactly. I'd have to look
24 through them all again.

25 Q. So when you wrote the report and indicated

1 that figure, you didn't indicate that that was
2 Nicole also conversing in these messages, correct?

3 A. No, I said there was 44,000 messages. I
4 didn't indicate who -- from whom, either/or. I said
5 there was 44,000 messages.

6 Q. Fair to say though you leave the
7 impression that this is one-sided?

8 A. There is no impression. That's fact
9 there's 44,000 messages.

10 Q. Okay. So if you're asked to identify the
11 start of the conversation, how many times did Nicole
12 contact Bethany, the stalker? How many times?

13 A. I could not advise. I can tell you during
14 the conversations that Nicole reached out it was in
15 regards to their child not to be told how stupid or
16 dumb somebody is.

17 Q. So --

18 A. Or their lack of parenting.

19 Q. Fair to say that there were time periods
20 where literally Nicole is not only communicating
21 with Bethany, but they're socializing and going out
22 and doing all those things too, right?

23 A. No. I can tell you the information that
24 was provided to me and through the e-mails the times
25 that they were socializing was in regards to their

1 child and gifts that the child wanted to give and
2 dinner that Bethany stated the child wanted to have.
3 So Nicole went due to the fact that she didn't want
4 to disappoint her child, which is again part of
5 stalking and again in domestic issues.

6 Q. I didn't ask you any questions about gifts
7 or socializing and it sounds --

8 A. You just asked about socializing.

9 Q. Right.

10 Are you sure you haven't talked to Nicole
11 about this since her deposition last week?

12 A. Yes, I am.

13 Q. Okay. So let's talk about then how would
14 you know what gifts she received from Bethany?

15 A. They're in my supplement. She had given
16 her gifts.

17 Q. Okay. What gifts?

18 A. I couldn't tell you. She said in there
19 that she had received gifts from her for -- I think
20 she said she has a Mother's Day gift and there were
21 flowers I think she sent. And those were all in the
22 messages that were turned over to evidence.

23 Q. How about expensive handbags, did she tell
24 you about that?

25 A. She might have. I don't know.

1 Q. How about a watch?

2 A. I was not aware of any watch.

3 Q. Did you ever provide her any advice as a
4 stalking victim?

5 A. Yes, I did.

6 Q. What did you tell her?

7 A. I told her to respond if the texts were
8 not in regards to their child or child pickup or
9 anything in regards to their child to tell her to
10 stop texting and to only text in reference and to
11 the child.

12 Q. Did you also advise her maybe it's not a
13 good idea to continue to sleep with your stalker,
14 have a relationship with your stalker? Did you ever
15 tell her that?

16 A. Yes, I have.

17 Q. Okay.

18 A. And I --

19 Q. What was her response to that, meaning
20 Nicole?

21 A. Again, from my knowledge and from the
22 texts that were received, there were no sexual
23 relationships once the divorce and once she moved
24 out.

25 Q. That's what she told you, is that what

1 you're saying?

2 A. Well, you can read it in the supplements
3 and in the texts. She had moved out and she makes
4 no mention of sexual relationships.

5 Q. Did you ask her?

6 A. No, I did not.

7 Q. Okay. Did you find it odd that she's
8 continuing to receive expensive gifts from Bethany?

9 A. No, I don't because, again, when there's a
10 child in common, if the person being stalked does
11 not take the gift, then it can turn into a fight.
12 It can turn into emotional distress for the child,
13 especially when they're saying it's from the child.

14 Q. So how would K [REDACTED] have bought her
15 expensive gifts?

16 A. Again, she's stating they're from the
17 child. She's gonna in front of her child say, no, I
18 don't want to take this from you?

19 Q. So when this is all going on, is it your
20 assumption that Nicole is not, for example, going
21 out to dinner with Bethany?

22 A. I don't assume. I know they went out to
23 dinner. And again, it was in regards to K [REDACTED]
24 being there and then functioning for K [REDACTED].

25 Q. Let's talk about times where K [REDACTED]

1 wasn't anywhere around. Were you aware that Nicole
2 went to the hospital when Bethany was hospitalized
3 for a heart issue?

4 A. Yes, I was.

5 Q. What did that have to do with K [REDACTED]?

6 A. That is the other mother of her child.

7 Q. Okay. So is that common for stalkers to
8 say, you know what, I'll come visit you in the
9 hospital, let me take care of you in the hospital?

10 A. It's common for people to have empathy for
11 their ex-spouses, yes.

12 Q. You understand kind of the problem here?
13 You've dealt with stalking cases, right?

14 A. I have.

15 Q. And if you heard from a complainant that
16 sometimes on her terms she wants to have contact
17 with the stalker, you would -- you would indicate
18 probably in your report I have a problem with the
19 credibility of this witness because they continue to
20 engage and initiate contact -- setting aside the
21 child, let's stop using the kid as an excuse,
22 okay -- contact between what you term a victim and a
23 stalker where the victim is going out of her way to
24 engage in conversation and communication and
25 physical contact with their stalker?

1 A. Okay. Well, the kid wasn't an excuse.
2 The kid was factual. That's mentioned in the
3 supplement. And, no, it is not uncommon. Again,
4 because if she doesn't, there is a fear of the
5 reaction of what the stalker may do afterwards --

6 Q. Well, what --

7 A. -- or domestic violence issues. It's not
8 uncommon.

9 Q. Well, there were no domestic violence
10 issues. You never had any call that she's -- that
11 Bethany is in the bushes watching her, right?

12 A. No.

13 Q. You never had any call, oh my god, she
14 just threatened to kill me, call out SWAT so I can
15 defend myself, right?

16 A. Kill, no. Has she said "you're gonna get
17 what's coming to you," that's in regards to how the
18 victim takes it, not how I take it with a call that
19 comes in.

20 Q. Didn't -- didn't you also see text
21 messages from Nicole to Bethany threatening to have
22 her arrested?

23 A. Threatening or --

24 Q. Yeah.

25 A. -- making statements that it could have

1 been possible, but she chose not to because she
2 disregarded the case originally, yes.

3 Q. No, threatening to have her arrested,
4 right?

5 A. No.

6 Q. Okay. Let's just fast forward for one
7 moment about when you decide to pull this off the
8 shelf for the second time more recent --

9 A. Pull it off the shelf, I'm sorry?

10 Q. Meaning you started this, you spent three
11 months on it. It seemed like whenever Nicole --

12 A. The victim, yes.

13 Q. Okay. I'm not going to call her a victim.
14 -- Nicole decided she wanted you to
15 re-engage the investigation, you did so, right?

16 A. That happens with multiple of our victims.
17 If they choose not to move forward at the time,
18 they're allotted to. If they want to come back and
19 press charges, they can. We do it with our rape
20 victims, our domestic violence victims, and our
21 stalking victims.

22 Q. So is it your testimony that you would
23 have spent three months on any person coming in off
24 the street who said, you know what, I went out to
25 dinner with my stalker, but now I'm in fear again,

1 can you -- can you help me out again?

2 A. I have.

3 Q. Okay. And it's kind of your response to
4 do whatever that person says, expend whatever time
5 and resources until it's time to then have the
6 person arrested, right?

7 A. No. I go through and if there is evidence
8 to move forward with a crime, I will move forward.
9 If there is not, I document the case and I close it
10 out.

11 Q. Is that with or without the person's
12 participation?

13 Like, would you -- if you had evidence of
14 a crime, wouldn't you just act on it and have the
15 person arrested?

16 A. No, I would not.

17 Q. Okay.

18 A. If the victim doesn't want to move
19 forward, I can't move forward with all crimes
20 without the victim not wanting to move forward.

21 Q. So recently when we re-engaged here and
22 decided now's the time, you were aware that there
23 was actually an arrest warrant out for Bethany; is
24 that right?

25 A. When we moved forward and decided now's

1 the time? I don't know what kind of question that
2 is. Can you please explain?

3 Q. Recently there was an arrest warrant for
4 her. Tell me what you knew about that.

5 A. I wrote the arrest warrant.

6 Q. Okay. And the arrest warrant was to then
7 be effected by your department; is that right?

8 A. No.

9 Q. Are you aware that Delray Beach actually
10 went to her apartment trying to --

11 A. Yes, I am.

12 Q. Okay. Tell me what you know about that.

13 A. I wrote it. I then turned it over to the
14 state attorney's office and they made the decision
15 whether or not they were going to move forward with
16 a warrant.

17 Q. Who did you turn it over to?

18 A. The state attorney's office.

19 Q. Who?

20 A. The violent -- special victims unit.

21 Q. Do you know who it was?

22 A. It was their intake department.

23 Q. Do you recall sending a message that you
24 had two day's time to get this together?

25 A. It's possible, but, no, I don't recall.

1 Q. What was the rush? What was the rush
2 after, oh, I don't know, a year and a half to have
3 two days to put a package together to have Bethany
4 arrested? What was the rush?

5 A. Well, depending on the time frame, I could
6 have been going out of town. I had a homicide trial
7 coming up. I had a sergeant's review and exam
8 coming up. So I was trying to get one thing done to
9 move on to the next.

10 Q. Okay. But there was no, okay, she's
11 coming over to kill me, throw me up against the
12 wall. I mean, what's the two day time frame that
13 became this arrest warrant?

14 A. I would have to see the e-mail that you're
15 inquiring about.

16 Q. It was a text message to a supervisor to
17 get this done lickety split.

18 A. Probably if I was texting a supervisor, it
19 would have been the captain of the homicide unit
20 that was going over the case. And again, depending
21 on the time frame, it was what I had going on that
22 week. And if I'm in the middle of a homicide trial
23 or I have a homicide trial coming up, I need to
24 start prepping. Therefore, I need to get one thing
25 off the plate to move on to the next.

1 Q. Well, if you request an arrest warrant,
2 your role in the case really doesn't become
3 indicated until sometime later either when the
4 defense lawyer deposes you or you're called into
5 court or the state attorney phones you and says I
6 need information.

7 I mean, you don't have to personally
8 execute the arrest warrant, do you?

9 A. I didn't personally execute. And I didn't
10 move forward with the warrant. I turned it over to
11 the state's department. So depending on the date of
12 that message, I can't give you an exact what was
13 going on.

14 What I can tell you is I did not make the
15 decision to arrest. I turned it over to the state.
16 The state reviewed the evidence and decided to move
17 forward with the warrant and at that point --

18 Q. But why would the captain --

19 A. -- they contacted our department.

20 Q. So why -- if there's an indication I need
21 this in two day's time, are you asking your captain
22 to do -- I don't understand what --

23 A. Again, you're asking me something that
24 you're not showing me. So I cannot tell you the
25 time frame of what was going on.

1 Q. Well, what would the captain's role be in
2 you telling him I've got to get this done in two
3 days?

4 Like, why do you need to tell the captain
5 what you're doing?

6 A. Because I let him know my time frame on
7 any cases that he is -- I'm working outside of my
8 normal job duty.

9 Q. Why is this outside your normal job duty?

10 A. Because I'm in the training unit now.

11 Q. Okay. When did you move to the training
12 unit?

13 A. 20 -- the end of 2017.

14 Q. Why not just pass this case off to one of
15 the other stalking investigators?

16 A. Because there's not another one that works
17 the in-depth cases. And I had already started it,
18 so I was requested to go ahead and open it and move
19 forward with it.

20 Q. Who requested you remain on the case?

21 A. Captain Crane-Baker, John Crane-Baker.

22 Q. Okay. Were you aware that kind of the
23 trigger date for Nicole deciding she had had enough
24 for the third time was her visit to Colleen in Key
25 West, a planned trip she had with Colleen to Key

1 West just two days after you're indicating to your
2 captain we've got to get this done?

3 A. No.

4 Q. Were you aware that she visited Colleen in
5 December of 2017 in Key West?

6 A. I know she went to Key West for a dolphins
7 excursion. I don't know when that was.

8 Q. Okay. Just for the record, you took a
9 really long time to answer that question.

10 A. Yeah, because I'm trying to think of --
11 that's the only time I know she went to the Keys
12 recently was for a dolphin swim.

13 Q. Did Nicole tell you that what was
14 bothering her during this time frame was that
15 Bethany had requested where she was going with
16 K [REDACTED] in the Keys?

17 A. No.

18 Q. She never told -- would that be important
19 for you to know?

20 A. As far as -- I don't know need to know
21 where she's going with her daughter.

22 Q. No. If your concern is not only the
23 quantum of communication, because that fact has been
24 substantiated, although not specifically, as to
25 who's saying what --

1 A. No, that's in there who's saying what.
2 It's on the phone dump.

3 Q. Right. Okay.

4 But that brings me to a good point. The
5 phone dump, where is that?

6 A. It's in evidence.

7 Q. Okay. The entire phone dump, has that
8 been provided to the state attorney's office?

9 A. Everything was placed into evidence, yes.

10 Q. So the entirety of the -- not just the
11 Cellebrite between these two, but the entirety of
12 the phone dump is in evidence?

13 A. Is in evidence.

14 Q. So my question to you about the
15 communication at that time frame, does Nicole tell
16 you, hey, she's asking questions about where I'm
17 going in the Keys?

18 A. No.

19 Q. Okay. Does she ever indicate to you that
20 she is leaving for the Keys and she does not want to
21 let Bethany know where she's going?

22 A. I'm not -- in regards to their child
23 custody plans, I'm not their lawyer for that. So,
24 no, she would not tell me that information.

25 Q. Did she tell you that information: I do

1 not want to tell Bethany where I'm going in the Keys
2 with my daughter?

3 A. No.

4 Q. Okay. She -- I mean, fair to say Bethany
5 knew where Nicole lived, right?

6 A. Yes.

7 Q. Was there ever a time when Nicole ever
8 told you: She shows up at my house unannounced or
9 uninvited?

10 A. Yes. She dropped off -- it was text
11 messages actually. Nicole didn't have to tell me.
12 In the text messages, Bethany went by and was
13 putting stuff at the door and Nicole had asked her
14 not to come by her home.

15 Q. I didn't understand that first part. What
16 do you mean about text messages?

17 A. You said if Nicole has ever said Bethany
18 has come over uninvited. No, Nicole has not said
19 that to me. They were in text messages where
20 Bethany had came over uninvited and Nicole asked her
21 not to come when nobody was at her home.

22 Q. And what did she leave at the door?

23 A. Flip-flops.

24 Q. For the daughter?

25 A. Yes.

1 Q. Okay. Did you ask her about that?

2 A. I didn't. It was in the text message. I
3 didn't need to ask her.

4 Q. Okay. So -- but that's not a part of the
5 complaint from Nicole to you, hey, she shows up at
6 my house and I don't like it?

7 A. I'm not going to say, no, that's not part
8 of the complaint. That's part of Bethany's actions
9 that is causing this to continue.

10 Q. Well, is it in your report?

11 A. It's in the evidence file.

12 Q. Okay. So if, again, kind of generally --

13 A. I'm going to say I made note that there
14 were over 200 text messages in that file. I did not
15 put all of them on the supplement. That's why
16 they're entered into evidence.

17 Q. Right. Your report does not indicate
18 times where Nicole has either spent the night at
19 Bethany's house, correct?

20 A. No, it does, again, in evidence state that
21 Nicole had an air condition issue and while Bethany
22 was not at her home she went and stayed during the
23 hurricane because Nicole's house was -- had no AC
24 and wasn't in a condition for her to stay in.

25 Q. So Nicole's version to you was that

1 Bethany was not there when she stayed at Bethany's
2 house?

3 A. Bethany and her work on different shifts.

4 Q. Okay. So she represented to you that the
5 two of them did not stay in the home together?

6 A. She didn't have to represent. It was
7 noted on the text messages that she was not there.
8 She left the key and food, so ...

9 Q. How about other times that Nicole and
10 Bethany have slept at each other's houses either
11 way, Bethany at Nicole's house or Nicole at
12 Bethany's house, post September 2017, did she ever
13 tell you about that?

14 A. Well, post 2017 I did not start the
15 investigation. I started the investigation in 2017.

16 Q. Post, meaning after September 2017, did
17 Nicole tell you all the times that either she spent
18 the night at Bethany's house or Bethany spent the
19 night at her house?

20 A. No.

21 Q. Did you ever ask her?

22 A. Yes.

23 Q. And what did she tell you?

24 A. I was aware of the information of the
25 hurricane.

1 Q. And that was it?

2 A. Yes.

3 Q. Okay. How about times where they
4 socialized without the daughter being there?

5 A. Yes.

6 Q. Okay. Tell me about those times.

7 A. She indicated that she was attempting to
8 keep the peace because if she would say no, Bethany
9 would get upset, tantrums would start. And that was
10 all documented as far as in evidence as well where
11 she would state, well, if you're not going to come
12 over, I did all of this for not and then it turns
13 into name calling and then it turns into 84
14 messages, et cetera, later.

15 So in an attempt to keep the peace, she
16 would go and have coffee or lunch and then leave.
17 And she did indicate those and they're indicated in
18 the messages as well.

19 Q. So when, according to your investigation,
20 did things start as far as stalking?

21 A. They started back in 2017 when she was
22 going through phones that did not belong to her,
23 that she didn't pay for. Then when she mentioned in
24 2017 that she was following Charlie Navarro or
25 having somebody follow him. And then in 2018 there

1 was a WhatsApp tracker that was on Bethany's phone
2 that was dinging every time Nicole got a WhatsApp
3 message that she admitted to putting on the phones.

4 Let's see. The constant messaging after
5 she had asked her to stop telling her that she was
6 dumb, stupid or calling her a whore.

7 Q. They're going through a divorce at this
8 point, right?

9 A. Which I would give her that if it was
10 within the first month or two, but when you're in a
11 year of separation and this behavior is continuing
12 after she's been informed to stop by the victim --

13 Q. Did you ever advise Nicole -- because in
14 2017 they're still married, right?

15 A. They're living in separate houses and
16 trying to go through a divorce.

17 Q. What was the month that they separated?

18 When did Braswell die? Because it was the
19 same month -- or it was the same year.

20 She died in April of what year?

21 A. I don't recall.

22 Q. Well, was it one year or two years?

23 Because it would have been last month either a year
24 or two ago.

25 A. I don't recall. It's been a year or two

1 years.

2 Q. Did you ever advise Nicole you have to do
3 something more than just having me put it in a
4 report that never gets seen, right?

5 A. I told her if she wanted to move forward
6 she would need to go get an injunction order.

7 Q. And she never did that, right?

8 A. She did not move forward in 2017.

9 Q. You're aware -- actually this is in your
10 report -- that according to Nicole, July of '17
11 Bethany moved out; August of 2017, Nicole retained a
12 lawyer; September of '17, she files for divorce,
13 which happens to be the same month she wants you to
14 start documenting things, right?

15 A. Correct.

16 Q. And at some point though there was an
17 adoption in there. When was the child adopted?

18 A. You would have to ask Nicole.

19 Q. Did you ever go to anything for the
20 adoption?

21 A. I did.

22 Q. What was that?

23 A. It was the adoption hearing.

24 Q. You were actually there to celebrate the
25 adoption of K [REDACTED]?

1 A. Yes.

2 Q. Okay. You didn't tell me that before.

3 Let's talk about any other times that you had
4 personal, outside of work contact with Nicole other
5 than the bachelorette party and the dinners and the
6 sports bars and --

7 A. The sports bars and dinners were one and
8 the same.

9 Q. So let's talk about any other time you
10 were there for each other. Because it sounds like
11 now you're in a hearing for her daughter, right?

12 A. I'm in a hearing for a co-worker that had
13 put out to multiple co-workers that she was getting
14 an adoption done that day. So I was not the only
15 co-worker there.

16 Q. When was that?

17 A. I don't recall.

18 Q. According to your report, it was February
19 of 2017 the two of them adopted a child?

20 A. There you go.

21 Q. And then you describe in the report that
22 April of 2017, literally a month after the adoption,
23 Nicole describes, according to her words, that the
24 relationship was unhealthy?

25 A. Yes.

1 Q. Okay. But she actually claimed that this
2 sort of abuse and lifestyle that they had in
3 communicating with each other predated all of that,
4 right?

5 A. Correct.

6 Q. Okay. Did you ever wonder how they were
7 able to adopt a child when seemingly now Nicole is
8 claiming, oh, my god, I was so scared and I was,
9 like, you know, emotionally abused and all these
10 things, how that never came up in the context of
11 adopting a child with DCF?

12 A. Well, I don't assume that Nicole was
13 claiming. I physically saw it in the evidence of
14 the verbiage that was being used by Bethany. And,
15 no, I have not looked into the DCF report in regards
16 to their adoption.

17 Q. Well, you know that DCF does a pretty
18 thorough investigation of people seeking to adopt
19 children in this state, right?

20 A. I am not a DCF investigator and I do not
21 deal with adoptions.

22 Q. So in your investigation, you never said
23 to her, wait a minute, if your relationship was so
24 unhealthy, how was it you adopted K [REDACTED] and that
25 DCF allowed that and actually pulled the DCF file?

1 A. I didn't need to. I had the evidence that
2 I needed from September 2017 on, and that's what I
3 was looking for. She had never made any concerns in
4 regard to her being in fear for K[REDACTED]. She made
5 concerns for her being in fear for herself and
6 people around her due to Bethany's comments and
7 statements in the text messages that were provided.

8 Q. Well, how do you -- I mean, with stalking
9 or even domestic violence allegations, how do you
10 isolate your fear from a child living in the same
11 home?

12 I mean, didn't that seem odd to you that
13 she wasn't in fear for K[REDACTED], yet she wants her --
14 it sounds like she just wants her privacy. It
15 doesn't have anything to do with being in fear
16 because then you would also be in fear -- actually I
17 would put the fear over my -- for my children over
18 my own self interest, right?

19 A. Well, I'm not going to agree with you
20 there. I'm going to tell you that there are
21 multiple instances in domestic violence cases where
22 the children are not harmed, that it's the victim
23 that's coming and the fear of what's going to happen
24 to that victim. There does not have to be a fear
25 for the children if there's no threats made to the

1 children.

2 Q. What did Nicole tell you and identify as
3 what she feared would happen?

4 A. That Bethany was tracking her, which she
5 had stated that she had went through her
6 electronical devices and that couldn't --

7 Q. Electronical? You mean electronic?

8 A. Yeah, electronic devices. That she had
9 put some type of tracker on her, which was
10 confirmed, and Bethany stated that, you know, the
11 What's Up app was placed to receive messages.

12 Q. Well, that allegation, no, was not that
13 she could see text messages. That tracking thing
14 was something, according to your report, that would
15 ding that would indicate a message came in, right?

16 A. Correct.

17 Q. But you couldn't see what the messages
18 were, right?

19 A. No.

20 Q. Did you ever interview Charlie Navarro in
21 the context of this investigation to say are you in
22 fear, do you want to be a part of this report, do
23 you want to file a restraining order?

24 A. I did not.

25 Q. Why?

1 A. Because I didn't want to add an additional
2 victim to this as well. If he wanted to come
3 forward, then he could come forward.

4 Q. Well, how would he know to come forward if
5 you didn't call him and say, hey, I'm doing an
6 investigation?

7 I mean, Nicole seems to throw Charlie in
8 the mix of this, this Amy person, whoever she is, in
9 the mix of this, and you, by the way?

10 A. Okay.

11 Q. Do you realize that you're named in the
12 restraining order as somebody that Bethany shouldn't
13 contact?

14 A. Yes, I am.

15 Q. How is that? You're the investigating
16 officer. You're supposed to be objective, right?

17 A. I am objective, hence the report.

18 Q. Uh-huh.

19 So if Charlie is mentioned in the report
20 as kind of a complaining -- he's an unknown
21 complaining witness? Is that what you would call
22 him?

23 A. Charlie is a grown adult. If Charlie felt
24 fear or wanted to come and make -- come forward, he
25 could have and he did not.

1 Q. But he didn't know. You didn't call him
2 and say, look, I have information and reason to
3 believe that there's something that's going to ding
4 on somebody's phone that has to do with you. You
5 didn't contact him.

6 A. Am I going to contact everybody in
7 Nicole's phone and ask if they're a victim of
8 Bethany's stalking or am I going to --

9 Q. No, there were just a couple identified.

10 A. -- contact the victim? And that's who I
11 made contact with was the victim.

12 Q. Well, you're talking about the tracking
13 stuff. You had identified just two people, this Amy
14 person --

15 A. That we knew of.

16 Q. Okay. You're telling me that she has
17 listed complaining witnesses, Charlie and Amy, that
18 you then didn't seek to interview to determine if
19 they --

20 A. No, she also made comments about
21 supervisors that Bethany had made contact with and I
22 didn't go and ask them either. I spoke with the
23 victim that came forward. If either one of Charlie
24 or Amy or the other supervisors wanted to come
25 forward because they felt that your client was

1 stalking them as well, they could have.

2 Q. But how did they know? You're the cop. I
3 mean, you've --

4 A. Because if a victim is victimized, why
5 would they not come forward?

6 Q. -- spent three months on a report that's
7 completely one-sided.

8 A. One-sided? It's evidence. All evidence
9 that came in there is in our police department.
10 That's factual information.

11 Q. Well, don't you have a duty to notify
12 somebody that's been identified as a victim who
13 should be afraid, hey, dude, you might want to be
14 afraid, do you want to make a report so you can
15 protect yourself?

16 A. He was aware.

17 Q. How do you know that?

18 A. Because I know that Nicole had said to him
19 that those were issues.

20 Q. Okay. In any other case if you had
21 somebody that was identified as being tracked
22 electronically, isn't it your obligation to go talk
23 to that person and say, look, let me look under your
24 car to see if there's any sort of GPS tracking
25 device, right, because --

1 A. In any other case -- and I treated this
2 like every other case that I've worked and given it
3 even more time to ensure that I'm not being biased,
4 just like I did all the other officer cases that I
5 worked. If they are not a victim that wants to come
6 forward then, no, I am not going to reach out and
7 start asking everybody if they want to make charges
8 against the suspect.

9 Q. Well, he's not everybody.

10 A. I'm speaking of a victim.

11 Q. There were two people.

12 A. She came forward. She gave me the
13 information, which is factually based and placed
14 into evidence and was provided to you and the state
15 attorney.

16 Q. But you would agree she doesn't have the
17 ability or the right to speak for another victim,
18 right?

19 A. If he felt like a victim, he could come
20 forward.

21 Q. No, she cannot speak for him. You're
22 aware of the victim notification statutes --

23 A. I am.

24 Q. -- in this state, right?

25 A. Yes, I am.

1 Q. In fact, they've just become tightened --

2 A. Yes.

3 Q. -- with Marsy's Law, right?

4 So is it your understanding that just
5 anybody tangentially if they hear about it can make
6 a complaint?

7 I mean, your obligation as law enforcement
8 is to actually notify victims, not wait for law
9 enforcement friend who's the complaining witness to
10 say, well, I spoke to them and I think this is where
11 we are now.

12 A. So you mean while I'm talking to the
13 victim, everybody that she mentions that Bethany has
14 reached out to?

15 Q. I'm just talking about two people. Let's
16 not -- let's not confabulate here.

17 A. Well, no --

18 Q. I'm talking about two people, Charlie --

19 A. You're convoluting it all.

20 Q. -- Charlie and Amy.

21 A. Yes.

22 Q. Okay. Charlie and Amy. Forget about
23 anybody else.

24 A. Amy asked her to stop contacting her
25 herself because she no longer wanted Beth texting

1 her.

2 Q. Why didn't you contact Amy?

3 A. Amy took care of it. If Amy wanted to be
4 a victim, she could have came forward and made a
5 complaint.

6 Q. Okay. Charlie, you indicate, you think is
7 a friend?

8 A. Yes.

9 Q. And you had no indication that he was ever
10 Nicole's boyfriend, right?

11 A. No.

12 Q. So if he had --

13 A. Well, let me clarify that. He is a man
14 and he is a friend, so I don't want that to come
15 back later.

16 Q. But they were not romantically involved?

17 A. No.

18 Q. Charlie and Nicole were never romantically
19 involved?

20 A. Not that I ever saw.

21 Q. Okay. Their involvement in this report,
22 you would agree, is all told to you from Nicole,
23 right?

24 A. Incorrect. The information is provided
25 via messages, which is all evidence from the phone

1 dump.

2 Q. Right.

3 A. Not told to me.

4 Q. Well, let's set aside the phone messages.
5 I'm talking about her reporting to you as to what
6 her concerns are reference Charlie or Amy, this
7 hearsay from Nicole to you, correct?

8 A. Incorrect. The information that I
9 received from the phone dump --

10 Q. Okay. I just said take --

11 A. You're asking --

12 Q. The complaining witness -- you've got a
13 complaining witness who's saying to you I'm afraid
14 for X, Y and Z, although forget about K [REDACTED], I
15 want her around for all of that stuff, but I'm
16 afraid for me and I'm afraid for Charlie and I'm
17 afraid for Amy, okay.

18 Forget the text messages. Anything that
19 she told you about those reasons to fear for other
20 people was hearsay from Nicole to you?

21 A. No.

22 Q. How else could it be? Because you never
23 contacted Charlie, right?

24 A. Correct.

25 Q. You never contacted Amy?

1 A. Correct.

2 Q. So forget the text messages. Because,
3 first of all, she'd have to tell you who was even
4 being discussed in the text messages. Charlie is
5 Charlie Navarro, right?

6 A. His name comes up. Bethany types
7 Charlie's name out quite often --

8 Q. Right.

9 A. -- when she's talking about pulling his
10 medical records and having him followed and, again,
11 you know, calling him whores and telling people it's
12 medical -- HIV in her abuse records.

13 Q. Clearly she didn't like it, right, because
14 she's out now -- you know, she adopts a child one
15 month and then says I want away from my wife the
16 next month. And surely there's going to be some
17 period of complete disbelief about what's going on,
18 right?

19 A. Two years is a very long time to be in an
20 extended period to still be sending messages all the
21 way up until the last month.

22 Q. Right. Two years is a long time though
23 for Nicole to be continuing to contact her?

24 A. No.

25 Q. Okay. Did Nicole --

1 A. Have you ever met domestic violence
2 victims before? They live --

3 Q. I used to work -- all right. Never mind.

4 Listen, when she's going through the
5 divorce, do you ever advise her, hey, why don't you
6 let your lawyer know so that the communication could
7 be handled in a way that the judge is aware of that
8 you could do electronically through Our Family
9 Wizard or other devices so that the communication
10 can be monitored instead of it just being I like
11 this message, but I don't like that message? Did
12 you ever tell her to make this part of the divorce?

13 A. I told her that she needed to stop
14 contacting. I told her she needed to use a separate
15 app that was strictly for the child. I told her
16 that the child needed her own phone, that way your
17 witness -- or your suspect would have no reason to
18 contact the victim any longer. And the child has
19 her own phone and yet the suspect still opted to
20 text and e-mail the victim on her private number and
21 her private e-mail address.

22 Q. So let's back up for a minute. You gave
23 her pretty sound advice, meaning Nicole, in asking
24 her or suggesting to her use -- because you're aware
25 of those platforms -- use Our Family Wizard or one

1 of those family based platforms to communicate about
2 the child, right?

3 A. Correct.

4 Q. And there are other platforms you can use
5 for that purpose, right?

6 A. Correct.

7 Q. And then you indicated to Nicole stop
8 contacting Bethany, right?

9 A. I did.

10 Q. Okay. When was that?

11 A. It was the original time that she came in
12 in September of 2017.

13 Q. Does your report indicate anywhere the
14 advice you gave to -- you told us about filing the
15 restraining order and making the criminal complaint,
16 which Nicole opted not to take your advice on that,
17 right?

18 A. That is correct.

19 Q. And then you're now indicating, although
20 the report doesn't substantiate this, that you also
21 told Nicole to stop contacting Bethany and to
22 utilize family based platforms for contact?

23 A. You would need to pull up the interview.
24 I believe it was stated in there.

25 Q. To your knowledge, Nicole doesn't take

1 that advice either?

2 A. Nicole stated in her interview that she
3 was attempting to keep the peace and that is why
4 continued contact was made. Therefore, she wouldn't
5 have to deal with the tantrums and outrage of
6 Bethany.

7 Q. But you agree that those platforms are for
8 that purpose?

9 A. I do.

10 Q. So that it's completely above board and
11 actually a judge can then look at the contact and
12 see the context, et cetera, right?

13 A. Correct.

14 Q. Okay. And it was actually -- you were
15 involved at a time period before the divorce becomes
16 final because they didn't file for -- she filed for
17 divorce the same -- I think a day after she goes to
18 you with the report where those sorts of things
19 could have been built into or made aware of in the
20 context of the divorce, right?

21 A. That she would need to speak with her
22 lawyer about. I'm not an attorney.

23 Q. Well, did you advise Nicole that some of
24 this stuff was completely civil in nature and take
25 it and put it into that context?

1 In other words, let's all act like adults,
2 you're about to get divorced, put it in the context
3 of the divorce?

4 A. She couldn't act like an adult. If you
5 read the messages that were being sent to her, the
6 verbiage in there is not from an adult. So trying
7 to get her to move forward was difficult as it was.

8 Q. I'm talking about Nicole though, like take
9 control of your own life and tell your divorce
10 lawyer and get a judge to order her.

11 A. That's what, as a victim, she was trying
12 to do. She was trying to get the suspect to stop
13 texting her in the manner that was being text and it
14 wasn't happening.

15 Q. But she doesn't do it in the context of a
16 court. She doesn't go to the divorce judge.

17 A. You're right. She's a victim and she felt
18 embarrassed, and she stated that in her statement
19 that she was embarrassed not only of what she does,
20 the position that she's in that she was having to
21 put her personal life out there.

22 Q. Did you ever consider maybe she didn't
23 want to do all those things because she had adopted
24 a child the month before and maybe there would be a
25 problem with DCF coming to take the child because

1 she didn't state any of that in the context of their
2 investigation with DCF?

3 MS. REID: Objection. Form. Compound
4 question.

5 BY MS. KING:

6 Q. In your report, in your investigation, did
7 you ever consider the fact that she, meaning Nicole,
8 didn't report any of this, didn't file a restraining
9 order, didn't take affirmative steps to protect
10 herself because she had just adopted a child, which
11 she indicated to the State of Florida that their
12 relationship with Bethany was rosy?

13 MS. REID: Objection. Form.

14 MS. KING: You can answer.

15 MS. REID: You can answer.

16 THE WITNESS: I don't know what she said
17 to DCF because I was not there. Therefore, I'm
18 not going to respond to what was said or what
19 was rosy with DCF.

20 BY MS. KING:

21 Q. I'm not talking about DCF. I'm talking
22 about your --

23 A. You just stated DCF.

24 Q. Did your investigation ever consider the
25 fact that Nicole wants this buried because she had

1 just adopted K [REDACTED] the month before?

2 A. My investigation was based on factual
3 information that was provided to me in
4 September 2017, not based on a child that stated in
5 her investigation she was not concerned for -- that
6 the stalking, which I was there to investigate, had
7 to do with her, not the child.

8 Q. Right.

9 Okay. So you'd be free to provide all of
10 this information to DCF now? I mean, the child
11 hasn't been even with her that long, right?

12 So did you ever -- I guess the question is
13 did you consider motive in Nicole not taking your
14 advice?

15 A. There was no need for me to consider
16 motive when I had factual based information that was
17 provided to me that found -- the state found the
18 suspect as guilty to arrest in reference to
19 stalking.

20 Q. Well, that's not the standard, okay, but I
21 understand what you're trying to say, which is
22 you --

23 A. Well, I'm lost what you're trying to say
24 because you're asking me three different things at
25 one time and then stating --

1 Q. I'm asking whether you ever considered
2 Nicole's motive in not taking at least four areas of
3 advice from you: Get a restraining order, follow
4 through with the criminal complaint, make this
5 formal through the divorce, use a platform for
6 communication that's legit?

7 A. And she did eventually do that. And most
8 victims don't always do it on the first time that
9 they're told.

10 Q. My question is did you ever consider
11 Nicole's motive for trying to keep this under wraps?

12 A. I did not.

13 Q. Which would have been DCF.

14 A. I did not see any other motive other than
15 her as a victim in a stalking case.

16 Q. Okay. Did Nicole ever indicate to you,
17 hey, I have a concern because I just adopted K [REDACTED]
18 and how this could look?

19 A. No.

20 MS. REID: Could we break? I have to go
21 to the bathroom.

22 MS. KING: Sure.

23 (A recess was held at 11:00 a.m.)

24 (The deposition resumed at 11:02 a.m.)

25

1 BY MS. KING:

2 Q. All right. I want to ask you -- you
3 mentioned a time when Bethany -- well, strike that.

4 You indicated you didn't really know
5 Bethany?

6 A. I did not.

7 Q. Okay. How many times do you think you've
8 spoken with her? Let's just start by phone contact.

9 A. Phone contact? None that I can recall.

10 Q. How about text messages?

11 A. None that I can recall.

12 Q. E-mail?

13 A. Again, none that I can recall.

14 Q. Okay. So then you're indicating personal
15 contact is the only contact you've had with Bethany?

16 A. That I'm aware of, yes.

17 Q. Even in the context of this investigation,
18 even when Nicole said, okay, now I'm ready to have
19 Bethany prosecuted in this case, you didn't contact
20 Bethany to give a statement; is that right?

21 A. I did not.

22 Q. Why is that?

23 A. I had the evidence that I needed from the
24 phone dump and she had requested out of fear that I
25 don't.

1 Q. You did note in your report that in most
2 cases you do try to make contact with a suspect in a
3 case like this so the contact would stop, right?

4 A. Correct. However, if the victim is
5 willing to fill out a statement in stating that they
6 do not want contact out of fear, then I will not
7 contact them.

8 Q. Okay. You didn't give Bethany the
9 opportunity to provide her version of the events,
10 did you?

11 A. Again, my information was based on the
12 facts between the messages between Nicole and
13 Bethany.

14 Q. And Nicole's statements to you, right?

15 A. That were followed up by the information.
16 Everything that's in the report is based on the text
17 messages that were received.

18 Q. Right. But also based on your -- you took
19 an audio and videotaped statement?

20 A. Correct.

21 Q. Okay.

22 A. And I had to her provide evidence to back
23 up anything that was stated in there.

24 Q. And when Nicole said to you I don't want
25 you to contact her or I don't want you to do this or

1 I do want you to do this, you did it, right?

2 A. I took the victim's request and I did not
3 contact them, which is done in other cases as well.

4 Q. Okay. We were talking about you were
5 turning everything over to the state attorney's
6 office about this arrest stuff. Ultimately did you
7 have knowledge that Delray Beach went to Bethany's
8 apartment complex or her house, whatever it is, to
9 have her -- or try to effectuate an arrest?

10 A. I did not have knowledge of that until
11 afterwards.

12 Q. Okay. Tell me -- tell me about the
13 knowledge you have about that and from whom.

14 A. It was from -- assistant chief Sapino was
15 inquiring about the investigation of the state
16 attorney, whether or not they were going to move
17 forward with charges.

18 Although we could have went to her
19 apartment and picked her up on my charges because
20 she lives in our city and it was PC, we chose to
21 turn the report over to the state and let the state
22 decide whether or not charges were then and there
23 prior to picking her up.

24 Once the state moved forward with the
25 charge and a warrant was placed into the system, our

1 department was then notified and they moved forward
2 from there. I was not involved in the arrest.

3 Q. She actually was not arrested. Do you
4 know about that? Did you know she was not arrested?

5 A. She didn't go to county jail?

6 Q. No.

7 A. She was never booked in?

8 Q. No.

9 A. Hmm.

10 Q. So I'm curious as to how that happens,
11 how, if there's an arrest warrant -- your
12 recommendation is an arrest warrant. It goes to the
13 state attorney's office, and it was active and we
14 were preparing for that.

15 Do you have any knowledge or information
16 how that then got walked back so that she was not
17 arrested?

18 A. No, I do not.

19 Q. Okay. Are you aware that units from
20 Delray Beach were actually dispatched to her
21 apartment complex to arrest her?

22 A. I was told afterwards by assistant chief
23 Sapino that contact was made.

24 Q. Contact with whom?

25 A. That they were gonna attempt to make

1 contact with Bethany and that's why they were
2 wanting to know whether or not the state attorney
3 was moving forward with filing the charges.

4 Q. Okay. So was Nicole aware of this?

5 A. You would have to ask Nicole.

6 Q. Was Nicole on duty when all this was going
7 on?

8 A. You would have to ask Nicole.

9 Q. Or was she in the Keys?

10 A. You would have to ask Nicole.

11 Q. When you were communicating with Nicole
12 during this time frame, meaning when you decided to
13 initiate the arrest warrant or that process, how
14 would you communicate with her?

15 A. I'm sorry?

16 Q. When -- during this time frame when you
17 were initiating the arrest process or the warrant
18 process, how were you communicating with Nicole?

19 A. I wouldn't communicate with Nicole when we
20 were gonna go and do anything with Bethany. At that
21 point, it was turned over to our assistant chief and
22 they took care of whatever was going to happen.

23 Q. So who would have communicated with Nicole
24 about the status of someone she was in fear of,
25 right, as a victim?

1 Who would have communicated to her what
2 was happening?

3 A. Again, once I turned it over to the state
4 attorney's office and they deemed to move forward
5 with the charges, all information was turned over to
6 our command staff and they moved forward. I had no
7 contact with when, who, what, when, why and where it
8 was getting picked up.

9 Q. Other than Sapino, who was in that command
10 chain?

11 A. That would -- he was contacting her
12 command chain and it was between our command chain.
13 So you would have to ask assistant chief Sapino who
14 else he made contact with.

15 Q. There's an indication in September of 2017
16 that Nicole actually did tell you she felt the best
17 thing for her to do would be to go to the courthouse
18 and complete an injunction?

19 A. Correct.

20 Q. Okay. Did you have an assumption that she
21 had done that?

22 A. No, I did not. She was told to and then
23 informed me that she didn't want to move forward.

24 Q. Okay. Are you aware at one point that
25 your victim notified my client's place of work to

1 make a complaint that she was, meaning Bethany, was
2 improperly accessing DAVID or NCIC to get
3 information about her?

4 A. I was requested to provide them with
5 information in reference to stalking.

6 Q. Okay. Let's back up. The question was:
7 Were you aware that Nicole went to Palm Beach
8 Gardens Police Department to make a complaint that
9 Bethany was improperly accessing law enforcement
10 databases?

11 A. I was not aware that Nicole went to any
12 police department. I was told that Palm Beach
13 Gardens was advised and aware of my stalking case
14 and that a copy of it was being sent over to them.

15 Q. Okay. Tell me where -- or what's the
16 source of that? You said you were told. Tell me
17 about that.

18 A. Yes, Nicole informed me that she had
19 spoken with somebody at Palm Beach Gardens and a
20 copy of my stalking case was going to them.

21 Q. When was that?

22 A. I can't give you an exact date. A couple
23 months ago.

24 Q. So she made Palm Beach Gardens aware,
25 meaning Nicole?

1 A. You would have to ask Nicole. That was
2 all the information I got. If Palm Beach Gardens
3 wanted to contact me, they had my name and
4 information from my case. They could have contacted
5 me themselves. I did not go and inquire.

6 Q. So this is the woman Nicole is indicating
7 she doesn't want anybody to know, meaning Bethany,
8 about what's going on, but she went to Gardens
9 police to let them know what she was alleging?

10 A. Well, that was in 2017. After you've
11 lived with it for a year, she came back in 2018 to
12 ask for help.

13 Q. So she goes -- again, Bethany has no clue?

14 A. I don't know. You'd have to ask your
15 client.

16 Q. But you hadn't contacted Bethany in any
17 way, shape or form?

18 A. I had not.

19 Q. Okay. Gardens, do they ever contact you?

20 A. They do not.

21 Q. So you're indicating this is one
22 conversation, Nicole to you, hey, I'm aware that
23 Gardens has been made aware of this, they may
24 contact you?

25 A. That's it.

1 Q. Now, let's get back to the database
2 searching. What do you know about that, about
3 Nicole making a complaint that Bethany was using
4 DAVID or NCIC improperly?

5 A. You would have to ask Gardens. I was not
6 involved in that.

7 Q. Do you have any awareness of it? It was
8 similar to the IA complaint against you for
9 improperly accessing databases.

10 A. And again, I did not reach out to any
11 other agency to inquire if they were looking into
12 me. I waited til the information came in to me. I
13 was not involved in that internal affair complaint.

14 Q. Okay. You weren't involved, but what did
15 you know about it?

16 A. That's it, that Palm Beach Gardens was
17 getting a copy of my stalking report.

18 Q. Did Nicole tell you that she was alleging
19 that Bethany had improperly accessed databases?

20 A. Nicole told me that she had contacted Palm
21 Beach Gardens and that they might contact me in
22 reference to my stalking case.

23 Q. Was it about databases and accessing the
24 database?

25 A. No. My information was in regards to

1 stalking. That's what I was waiting for Palm Beach
2 Gardens to call if they had any inquiries about.

3 Q. So you never, as part of your
4 investigation or report, got a letter back from
5 Gardens that said we investigated our own and
6 learned that she did not improperly utilize
7 databases, right?

8 A. Did I get one from Gardens?

9 Q. Right.

10 A. I did not.

11 Q. Certainly if there had been some
12 indication that Bethany was utilizing systems
13 improperly, that would have been in your report,
14 right?

15 A. Not if I was not made aware of it from
16 Palm Beach Gardens, no.

17 Q. Well, how about from Nicole? When Nicole
18 finds out, hey, I had my ex-wife investigated by her
19 own department, putting her job at risk and, by the
20 way, I came back with a letter that it was cleared,
21 she should have told you that, right?

22 A. She informed me that they were doing an
23 investigation. I have no knowledge of what happened
24 prior --

25 Q. Nicole didn't inform you they cleared her

1 of that investigation, did she?

2 A. No.

3 Q. That's the question.

4 A. No.

5 Q. Would you have wanted to know that
6 information?

7 A. It's not relevant to the evidence that I
8 was looking at to move forward. I wasn't looking to
9 charge additional charges on her after I charged the
10 first one.

11 Q. Well, the tracking allegation, right,
12 involves a concern overuse of electronics, right?

13 A. Well, which tracking allegation?

14 Q. Well --

15 A. Because she had more than one.

16 Q. What did you do to verify the allegation
17 that either Navarro or Nicole was being tracked?

18 A. There were subpoenas issued to the
19 tracking company from the tracking app that was
20 located on K [REDACTED]'s iPad from Bethany's e-mail.

21 Q. What company is that?

22 A. I believe it's called SpyTec. SpyTec
23 informed me that if the purchase of the app was done
24 by Amazon and not through their own company that
25 they would have no record. So that I would need to

1 reach out to Amazon. And a subpoena was done to
2 Amazon and I'm still waiting on the results.

3 Q. So is that anywhere in your report?

4 A. Well, the report's not completed yet. And
5 that was advised to our legal before they decided to
6 let information out.

7 Q. How can your report not be completed? You
8 sought an arrest warrant.

9 A. Again, this wasn't completed. So when it
10 was requested -- this is the only case I've ever had
11 given to somebody when the case is still active.
12 And our legal was advised that I was still
13 performing additional information and waiting on the
14 results.

15 Q. Okay. When did you issue a subpoena to
16 SpyTec?

17 A. It was -- let's see. The first
18 preservation letter was sent over February 6th,
19 2019.

20 Q. All right. You realize now there is a
21 criminal investigation ongoing and this is
22 information you have not provided to the state
23 attorney's office, nor to me, correct?

24 A. And hence on why we let our legal know
25 before they provided any information in reference to

1 this case, that it was still active and that I was
2 still working on it.

3 Q. So why not indicate -- because you had one
4 aspect of the investigation as far as SpyTec
5 completed, which was issued a subpoena, said if
6 Amazon was involved not our issue.

7 A. Waiting for Amazon and will complete a
8 full supplement of everything I did with the
9 subpoenas.

10 Q. All right. But nothing from SpyTec that
11 you issued a subpoena.

12 Let's just say we went to trial next week
13 on the criminal case. Were you just going to keep
14 that to yourself?

15 A. Again, exactly why I requested our legal
16 not to release any of this case yet because it was
17 still active. This is the only case that I'm aware
18 of in the 14 and a half years that I've been there,
19 eight years that I was in violent crime, that has
20 been released while it was still being worked on.
21 And they were aware it was being worked on.

22 Q. So why -- why was it released? If the
23 investigation --

24 A. You would have to ask our legal
25 department.

1 Q. So it was legal department's decision to
2 seek an arrest warrant?

3 A. No, it was our legal department's decision
4 to provide this information in the public records
5 request while the case was still being active, which
6 I was informed through our assistant chief and to
7 our legal.

8 Q. It's not a public records request. You
9 got somebody you want prosecuted and potentially
10 sent to jail. That's called discovery, Brady,
11 right? Giglio, okay. This is stuff you have to
12 turn over. It's not optional.

13 A. I am well aware of that. Again, I'm still
14 waiting for information from Amazon to come back so
15 I can complete what was done.

16 Q. Why -- here's my question. The
17 investigation's incomplete, that's the status of
18 your testimony right now?

19 A. The investigation is still open waiting on
20 Amazon, yes.

21 Q. So why seek the arrest warrant when you
22 did?

23 A. Because I had enough factual information
24 from the phone dump for stalking. Not only did I --

25 Q. Why not seek an expedited subpoena return

1 from Amazon?

2 A. Not only did I write the PC, it was turned
3 over to a judge who felt there was enough evidence
4 there to write the injunction, turned over to the
5 state attorney's office, who felt there was enough
6 factual information there to move forward with
7 charges. There's no why wait. There was enough
8 factual information --

9 Q. But it started in 2017.

10 A. Yes.

11 Q. I'm still waiting for she came at me with
12 a knife, I was so in fear. She was going to see her
13 girlfriend in Key West and didn't want to give the
14 address is what it amounted to and there was a
15 rush --

16 A. No.

17 Q. -- to ask for an arrest warrant, whether
18 you're aware of it or not?

19 A. No.

20 Q. And now you're telling me -- I'm going to
21 have to redepose you --

22 A. Okay.

23 Q. -- because you're telling me -- and
24 nowhere does it indicate in here that this is an
25 open investigation and there are subpoenas

1 outstanding.

2 Who told you to whitewash that part of it?

3 A. Nobody told me to whitewash. I cleared it
4 through the assistant chief and our legal department
5 of why this information should not have been given
6 out because my investigation was still active.

7 Q. So you didn't want the discovery in the
8 criminal case handed over to the state attorney's
9 office, you were just going to let Bethany get
10 arrested and then wait for six months for Amazon to
11 get back to you?

12 A. Excuse me?

13 Q. How is it -- my question to you is you
14 don't in any of these reports indicate that the
15 investigation is ongoing.

16 A. Right. I still have another supplement
17 that is open that I'm waiting for final information
18 from. And once I get it, I'll add it to that
19 supplement and I'll close that supplement out.

20 Q. But the SpyTec, that lead was closed?

21 A. That -- no, that led me to Amazon.

22 Q. Right. But the SpyTec --

23 A. Which is what I'm still waiting for.

24 Q. Your efforts with SpyTec: Asked the
25 question, told you have to go to Amazon.

1 Look at the supplement on the Cellebrite.
2 It's two sentences. Couldn't you have written a
3 supplement?

4 A. I -- I didn't do the Cellebrite. I am not
5 a Cellebrite expert.

6 Q. My point to you --

7 A. You would need to ask them.

8 Q. -- is that supplements don't have to be
9 paragraphs long, right?

10 A. No, they do not.

11 Q. Okay. Who is it in Delray Beach's legal
12 department and how did you communicate with them?
13 Because I'm going to ask for an entirety of your
14 file and all communications revolving around it.

15 A. Go right ahead. It was legal. I believe
16 her name is Lawonda.

17 Q. Lawonda Warren?

18 A. Yes.

19 Q. And when did you communicate with Lawonda
20 Warren?

21 A. You would need to pull the phone records.
22 She called me.

23 Q. How did she know to call you?

24 A. Because they -- I'm assuming your agency
25 did a public records request and there was an

1 e-mail, because the case was still locked, therefore
2 not open to the public, in reference to releasing
3 this case.

4 I told our public records person, no, the
5 case is still locked because it's still active.
6 They went to legal. Legal then went to our
7 assistant chief. Both of them then called me and
8 said, no, we're going to go ahead and give them the
9 information that's already there.

10 Q. So this was -- this is not pursuant to a
11 1/19 request, it's a discovery demand, right? So
12 you had some concern about -- about the defense
13 getting the information?

14 A. No. The information hasn't come in yet.
15 I'm still waiting for it.

16 Q. Okay. When did Lawonda Warren call you?

17 A. Again, you would need to pull the phone
18 regards. It was maybe two weeks ago, maybe three
19 weeks ago. Whenever the public records request was
20 put in for a copy of my case.

21 Q. And who's the assistant chief that then
22 got involved in this?

23 A. Gene Sapino.

24 Q. And so their information is give the 1/19
25 request and then you're going to update or you're

1 going to supplement the report whenever Amazon
2 returns.

3 What's the date of return for the subpoena
4 to Amazon?

5 A. I'm still waiting.

6 Q. You don't have a deadline for it?

7 A. No. They -- I sent it over via fax. They
8 told me they didn't want it via fax, that it had to
9 be a hard copy. We sent it over priority mail, got
10 a copy of the receipt, and I've been waiting ever
11 since.

12 Q. All right. So let's just see -- is there
13 anything else you're doing that isn't indicated in
14 your report that you're waiting on or you would
15 supplement with that you want to add now? And then
16 I'm going to reserve. We're going to redepose you
17 when all this information comes in.

18 Is there anything else though you're doing
19 that you haven't indicated?

20 A. No. I'm waiting on the information from
21 Amazon.

22 Q. Anybody else you've communicated with that
23 we haven't talked about? Sapino? Mary Olsen?
24 Nicole? Anybody else through text, e-mail, phone
25 call, letter that is involved in this case that you

1 have not divulged?

2 A. Not that I'm aware of.

3 Q. Do you have a work phone, a departmental
4 issued phone?

5 A. I do.

6 Q. Do you text all law enforcement business
7 on that phone?

8 A. I do.

9 Q. What is your law enforcement telephone
10 number?

11 A. 561-441-0416.

12 Q. Is it your testimony that any information
13 about this case, whether it was formal or informal
14 with Nicole or anybody else, would be on that phone
15 and no other device?

16 A. Correct.

17 Q. Meaning phone device?

18 A. Correct.

19 Q. Was that the same phone you had back in
20 September of '17?

21 A. Yes. I've had this phone since 2010.

22 Q. Does -- well, to your knowledge, does
23 Nicole also have a departmental issued phone?

24 A. Yes.

25 Q. Do you know that number?

1 A. No, I do not.

2 Q. Is it in your phone?

3 A. I don't know.

4 Q. Can you check?

5 A. The only number I have in here for her
6 would be 767-6144. And that would be the number I
7 would text her on.

8 Q. That's area code 561?

9 A. Correct.

10 Q. Are there text messages between you and
11 Nicole on your phone right now?

12 Well, let me ask you this: Do you --

13 A. You know what, you would need to get a
14 subpoena for that or do a public records request.

15 Q. Yeah.

16 Here's my question. Any -- you said if
17 you communicated with Nicole about this case it
18 would be on the departmental issued phones, right?

19 A. No, you asked me if I have ever had any
20 communication with her through my departmental
21 phone.

22 Q. Right.

23 A. And I said, yes, I've communicated with
24 her through my departmental phone.

25 Q. And if it involved business, which would

1 be this investigation, shouldn't all of the messages
2 involving this case and Nicole be between those two
3 phone numbers that you gave me?

4 A. If there was information that was texted,
5 if I had questions, I would usually call her. And I
6 have a work line as well.

7 Q. Okay. And you know that public
8 information cannot be deleted or altered or
9 destroyed in any way, correct?

10 A. I'm aware. We've already done a public
11 records request and there was an e-mail done by my
12 sergeant who went through my work phone.

13 Q. What do you mean you did a public records
14 request?

15 A. There was a public records request done
16 for any information in regards to Bethany on my work
17 phone and he went through it and gave whatever
18 Lawonda requested or was needed over to them.

19 Q. Okay. You didn't do a public records
20 request. It was probably me.

21 A. I couldn't tell you who did the public
22 records request.

23 Q. Okay. And so who was the sergeant --
24 let's also talk about any other -- we talked about
25 Sapino. Is Sapino the one doing all this with you

1 or is there other people?

2 A. I don't know what all this with me means.
3 That is my assistant chief.

4 Q. Well, it seems like there's other --
5 there's other people involved in collecting or
6 providing information. So other than Lawonda Warren
7 and Sapino, is there anybody else involved -- and
8 other than the guy that did this Cellebrite stuff,
9 you said he went through your phone. Who's he?

10 A. Sergeant Weber.

11 Q. Okay. What's Sergeant Weber's first name?

12 A. Paul.

13 Q. Is it W-E-B-E-R?

14 A. Correct.

15 Q. And when was that? When did he go through
16 your phone?

17 A. It was shortly after the request. I
18 couldn't give you the exact date. You'd have to
19 pull the e-mails because an e-mail was sent saying
20 that he went through my work phone.

21 Q. Okay. Wouldn't it -- wouldn't it be done
22 by actually just collecting the device and doing an
23 official data transfer?

24 A. You would have to ask them. I --

25 Q. Were you in the room when he did it?

1 A. Yes. He took my phone.

2 Q. And you watched him just scroll through
3 your phone? Is that how it went?

4 A. I can tell you -- I don't know everything
5 that he did, but I can tell you he was looking for
6 any information in regards to Bethany.

7 Q. But you were there when it happened?

8 A. I was.

9 Q. Okay. So we were talking about tracking
10 issues and you then started to talk about a subpoena
11 to these two entities.

12 A. Well, I didn't start talking. You asked
13 me.

14 Q. I didn't know about them, okay. So you
15 had to have brought it up. I had no idea that there
16 was ongoing work still being done on the case
17 because your report doesn't indicate that.

18 A. Well, you asked if there was anything else
19 and I divulged that information to you due to your
20 request.

21 Q. Right.

22 Okay. So the tracking issues --

23 A. And there was -- actually the preservation
24 letter to Amazon and SpyTec was placed into
25 evidence. So if you did an evidence request for

1 discovery, it was in there as well.

2 Q. We don't have the discovery yet?

3 A. Well, it's in there.

4 Q. We just don't.

5 A. So it's information that's provided.

6 Q. Okay. We don't have the discovery because
7 you haven't completed it with the state.

8 A. Again --

9 Q. We don't need to debate anymore. I get
10 exactly what's going on. I get it.

11 A. It was placed into evidence.

12 Q. Here's my question. You assert --

13 A. No, I want that on the record that the
14 evidence for the preservation letter for SpyTec and
15 Amazon is placed into Delray Beach's evidence
16 department, which is attainable through the state
17 attorney and defense attorney.

18 Q. We did a request for it. And you know the
19 response I got back? They're now going through the
20 Cellebrite to determine what I get.

21 So it seems like everybody's in cahoots in
22 not providing information, not telling my client
23 what's going on at a time when she could have
24 responded to it and taken heed by what was going on,
25 not providing information now to somebody you all

1 sought to have arrested.

2 MS. REID: I don't think this is a
3 question, nor is it an appropriate line of
4 questioning for this witness.

5 MS. KING: It's complete frustration.

6 MS. REID: Can you mark that. Thank you.

7 MS. KING: You can mark it.

8 THE WITNESS: Public records requests have
9 laws that have to be followed. So I'm sorry
10 that our department is --

11 BY MS. KING:

12 Q. She's not a -- this is not John Q. Public.
13 She's a criminal defendant and has higher rights
14 than just somebody off the street trying to do their
15 own investigation.

16 A. I believe you just said you did a public
17 records request.

18 Q. Because the discovery hasn't been provided
19 yet.

20 A. Then that's something you need to get with
21 the state, not with me.

22 Q. Okay. When you compiled all of this
23 information, okay, and you decided whatever date you
24 were going to then seek the arrest warrant, did
25 anybody say to you in your department, Sapino or

1 Weber or Crane-Baker or the chief, either of the
2 chiefs, we feel like you should go talk to this
3 other officer?

4 MS. REID: Objection. Form.

5 MS. KING: You can answer.

6 THE WITNESS: Do I have to?

7 MS. REID: Yeah. If I'm objecting to
8 form, it just means that I have a problem with
9 it. Maybe it's a compound question or
10 something like that. You can answer the
11 question. But I'll deal with that later.

12 THE WITNESS: Okay. No.

13 BY MS. KING:

14 Q. Were your superiors aware that you were
15 not making any effort to reach out to a former -- or
16 a -- strike that. Let me start over.

17 Were your superiors, anybody in Delray
18 Beach, aware that you opted not to make contact with
19 a fellow officer to ask for their version of the
20 events?

21 MS. KING: Objection. Form.

22 THE WITNESS: Again, I had a chain of
23 command that I followed. They were aware.
24 Because we don't always make contact with the
25 suspect in all of our cases if there's enough

1 evidence to move forward.

2 BY MS. KING:

3 Q. Okay. So who approved that approach from
4 your department?

5 A. It wouldn't need to be approved. I did
6 the investigation. I handed the investigation over
7 to Crane-Baker to review. It was reviewed, and then
8 it went to the state attorney's office.

9 Q. Okay. Did you have any conversations with
10 anybody in the state attorney's office?

11 A. Well, yeah, I gave the packet to intake
12 and --

13 Q. Who? Who did you talk with?

14 A. Well, their intake lawyer.

15 Q. Was it Greg Kridos (phonetic)?

16 A. No. He doesn't do intake for special
17 victims. It was their special victims intake
18 lawyer.

19 Q. Do you have any notes about that? Did you
20 document that conversation?

21 A. No, I have not.

22 Q. Do you know when the conversation was?

23 A. It was when I walked the paperwork over,
24 which again would be documented in an e-mail to I
25 think Sapino maybe.

1 Q. Okay.

2 A. I turned the entire packet over to them
3 instead of going and arresting the client that was
4 in our city.

5 Q. So we were talking about tracking things
6 and you were talking about subpoenas now to these
7 two entities and it was Nicole's position that there
8 was some sort of -- some sort of app that would
9 alert Bethany to when Nicole got text messages; is
10 that fair?

11 A. What tracker are we talking about now?
12 Because there was two different ones.

13 Q. The one where she alleges she was in a
14 home with Bethany and there was some sort of alarm
15 going off that she felt -- Nicole felt was linked to
16 whenever she received a text message.

17 A. Okay. So the What's Up app tracker that
18 was found on Bethany's phone.

19 Q. All right. So explain -- tell me what it
20 is and what evidence you have and how it functions.

21 A. So the What's Up tracker, you can -- it's
22 a downloaded app. And again, if you want the
23 complete version of how it works, you're going to
24 need to subpoena somebody from What's Up. I can
25 only give you the information that I have on it.

1 You can type in telephone numbers and it
2 will track individuals as soon as they get on to
3 that app if they are on the application.

4 Q. So do you have to --

5 A. Bethany says in her -- let me -- you asked
6 me a question.

7 Q. Okay.

8 A. Bethany states in her text messages to
9 Nicole that she did put the application on her phone
10 and she had deleted it, and the reason she did was
11 because she was not a fan of Charlie and his actions
12 and didn't want Nicole and Charlie contacting each
13 other.

14 MS. REID: Can we for the record -- how do
15 you spell -- so that we don't confuse WhatsApp
16 with what the other program is, the tracking
17 program. What is the tracking program called?

18 THE WITNESS: SpyTec.

19 MS. REID: But you said that she had
20 What's Up. Is that another thing other than
21 WhatsApp?

22 THE WITNESS: It's a WhatsApp tracker.

23 BY MS. KING:

24 Q. So the tracker's called SpyTec?

25 A. No. That's the other tracker that was

1 found.

2 Q. Okay. So --

3 MS. REID: I thought it was something
4 called WhatsApp or something.

5 THE WITNESS: Yeah, so there's WhatsApp,
6 you know, the normal app that you can text and
7 video on, and then there's the WhatsApp tracker
8 which will track WhatsApp.

9 MS. REID: Okay.

10 BY MS. KING:

11 Q. So WhatsApp tracker is actually an
12 application?

13 A. Correct.

14 Q. And that's what it's called?

15 A. Correct.

16 Q. WhatsApp tracker, right?

17 A. Correct.

18 Q. And that has nothing to do with SpyTec?
19 That's something else?

20 A. That was a different tracker.

21 Q. So your testimony is that you -- well,
22 your understanding is somebody would download
23 WhatsApp tracker on their phone?

24 A. Correct.

25 Q. And then you would input a phone number

1 that you want to track?

2 A. Correct.

3 Q. And then without anything more it will
4 alert you? How does it -- how does it do that?

5 A. Again, you would have to contact WhatsApp
6 and have somebody inform you on that.

7 Q. So fair to say without an expert in the --
8 in electronic applications like that, you could not
9 provide information about that?

10 A. No. I can provide that Bethany admitted
11 that she placed it on there.

12 Q. Okay. That's not my question. In trying
13 to define what this application is or how it works
14 fair to say it's outside of your expertise and you
15 don't have information as to that?

16 A. Correct.

17 Q. You would need an expert to do that,
18 correct, or somebody from the software development
19 company itself?

20 A. To answer more definitive questions that
21 you're asking, yes.

22 Q. Okay. But this application, just by
23 putting the phone numbers in, to your knowledge,
24 would then send an alert, although the message
25 itself does not come through; is that right?

1 A. From my knowledge, correct.

2 Q. Did there come a point in time where
3 Nicole indicates to you that she and Bethany talk
4 about this and --

5 A. Oh, let me correct myself. It's actually
6 called Netwa-Spy for WhatsApp. And this was also
7 turned over to evidence as well, which is the
8 downloads from -- it was on K[REDACTED]'s iPad, and from
9 Bethany's account that she linked to K[REDACTED]'s iPad
10 that says Netwa-Spy for WhatsApp.

11 Q. Can I see it?

12 A. That was placed into evidence.

13 MS. REID: That's what I thought. I
14 thought it was something different.

15 BY MS. KING:

16 Q. For the record, it's spelled N --
17 N-E-T-W-A dash Spy for WhatsApp; is that right?

18 A. Yes.

19 Q. For the record, is this a screenshot of
20 K[REDACTED]'s iPad?

21 A. Correct.

22 Q. So K[REDACTED] has on her iPad Lesbian Dating
23 Chat App and Meet?

24 A. No. Your client had downloaded her Gmail
25 account onto K[REDACTED]'s iPad, and when she did all of

1 the apps that she had went onto the iPad.

2 Q. You --

3 A. And all of this information was turned
4 over to evidence as well.

5 Q. You have no -- no information as to --
6 well, let me ask it this way. You have no evidence
7 that that was Bethany versus anybody else that would
8 have had her log-in and password, right?

9 A. There's the iCloud part of the screen that
10 shows Bethany's name and e-mail. Again, another
11 one.

12 Q. Right. But these are -- where are these
13 screenshots coming from?

14 A. Again, the iPad.

15 Q. Right. But my question to you is: If
16 somebody has Bethany Guerriero's e-mail and log-in,
17 right, if somebody else has their password, they
18 could have easily put this in to download the --

19 A. They would have to have access to K [REDACTED]
20 to do that, but yes.

21 Q. Right. So if somebody logged in as
22 Bethany, in other words had her password and e-mail,
23 you have no evidence to indicate this is Bethany
24 actually logging in?

25 A. Well, except for the fact that Bethany

1 confirms in the text messages that she did download
2 a WhatsApp app and was tracking Nicole's WhatsApp.

3 Q. Right. But you're now indicating this
4 went beyond that and --

5 A. No, that's the tracking device.

6 Q. Right. But, I mean, all of these other
7 applications, you have no way of knowing that Nicole
8 didn't have her e-mail and password to the iPad
9 account, right?

10 A. Well, I do because Bethany admits to doing
11 it. So Bethany admits that she downloaded the app
12 and that she was sorry that she did it and that she
13 deleted it.

14 Q. Right.

15 A. So you put the two together, I've got an
16 admission from the suspect stating that she put an
17 application on her own phone --

18 Q. Right.

19 A. -- and then I have an application on the
20 daughter's iPad under Bethany's log-in to show that
21 it's there. I don't need anybody else logging in if
22 I have a suspect claiming that she did do that.

23 Q. But these other allegations, you don't
24 know that Nicole hasn't also logged in to check in
25 to what Bethany's been doing, right?

1 Did you ever ask Nicole what she did?

2 A. Actually, yes, it's in those messages as
3 well where Nicole states you don't know how this
4 feels because I don't do this to you, so leave me
5 alone. It was in the text messages.

6 Q. You took that at face value.

7 A. I took --

8 Q. I mean, you do not know. You do not know.

9 A. No, that's Nicole --

10 Q. Let me ask you this --

11 A. That's Nicole texting Beth. So ...

12 Q. Right.

13 Have you ever asked Nicole for her iPad or
14 any of her accounts to actually determine if she's
15 doing any sort of electronic surveillance on
16 Bethany?

17 A. Yeah, I asked Nicole for her cell phone
18 and she let me dump the entire thing.

19 Q. How about the application through K [REDACTED]?
20 I mean, her -- why is K [REDACTED]'s information linked
21 to Bethany?

22 A. You would have to ask Bethany why she
23 logged onto K [REDACTED]'s iPad.

24 Q. No. I'm saying why is K [REDACTED]'s
25 information linked to Bethany versus Nicole? Like,

1 K [REDACTED]'s iPad linked to Bethany versus Nicole.

2 A. Again, a reason you would need to ask your
3 client. Your client signed on to the child's iPad.

4 Q. Okay.

5 A. I don't know why.

6 Q. If she has communications with Nicole,
7 Bethany has communications with Nicole about this
8 and they decide, okay, this is what has happened and
9 she accepts that from her -- because, in other
10 words, the relationship continues beyond this
11 WhatsApp tracker.

12 A. When you say relationship, I'm sorry, they
13 have a child in common that she's trying to make
14 peace with. Let's --

15 Q. Right.

16 Well, we all know through divorce
17 situations that doesn't always work out, right?

18 A. Exactly.

19 Q. And that's why you get a court order to
20 have communications monitored through other
21 platforms, right?

22 A. That's why injunctions are done.

23 Q. Right, right.

24 So when was the time period of this
25 tracker, the Netwa tracker allegation?

1 A. It's in the supplemental report and it's
2 in the evidence. I'm not -- I can't give you an
3 exact date.

4 Q. But fair to say things moved beyond that
5 where these two women continued to have social
6 outings and do things together and communicate
7 together, right?

8 A. They communicated -- she was communicating
9 in reference to her child, yes.

10 Q. Okay. When that happened, did Nicole --
11 when the Netwa application tracker allegation came
12 up, did Nicole immediately come to you and say,
13 guess what, I found out why or did she wait and
14 compile that months later for you?

15 A. She provided me that information when she
16 decided that she had had enough and couldn't live
17 the way that she was living with the messages and
18 e-mails that were still continuing to come in when
19 she decided to reopen the case.

20 And I'm going to have to go off the record
21 for a second.

22 (A discussion was had off the record.)

23 BY MS. KING:

24 Q. Let me ask this one question. My question
25 was Nicole did not tell you, for example, the next

1 day when she discovered this Netwa app, hey, guess
2 what I found, that I want to you document that?

3 A. No, she did not.

4 Q. She waited until later?

5 A. She waited until she felt like she could
6 not continue living the way she was living with
7 Bethany tracking and following her.

8 Q. Okay. But that wasn't -- that wasn't an
9 immediate report to you when she found that?

10 In other words, it wasn't critical, same
11 day, that she let you know that and then moved
12 forward?

13 A. I couldn't tell you if it was critical to
14 her or not. You have to ask her.

15 (A recess was held at 11:42 a.m.)

16 (The deposition resumed at 11:45 a.m.)

17 BY MS. KING:

18 Q. All right. Just for the record, you had
19 to go out and take care of your vehicle. Did you
20 have any conversations with anybody when you left
21 the office here?

22 A. I did not.

23 Q. By phone or any other capacity?

24 A. I did not.

25 Q. Okay. Thank you.

1 Let's then move through the other
2 allegation as far as tracking, all right. So we
3 talked about SpyTec. Explain to me what the next
4 allegation is there.

5 A. No, we were just talking about WhatsApp.

6 Q. Right. So let's move on to the other one.

7 A. So move on to SpyTec?

8 Q. Uh-huh.

9 A. Again located on the child's iPad, the
10 same tracking app as the WhatsApp tracking app, is a
11 SpyTec GPS application. Again, this was turned over
12 to evidence and placed into our evidence department.

13 Q. So this is K [REDACTED]'s --

14 A. Same iPad.

15 Q. K [REDACTED]'s iPad.

16 Okay. So, again, if somebody has
17 somebody's log-in and password, you would agree that
18 they can control this just as easily as Bethany
19 could have controlled this, correct?

20 A. They would have to have access to K [REDACTED],
21 correct.

22 Q. Wait a minute. When I have -- when I
23 purchase something for my daughter on her iPad, it
24 shows up automatically on my phone, right?

25 A. Okay.

1 Q. You don't -- I mean, is it your testimony
2 that the person has to be physically with the iPad
3 to put this on the iPad?

4 A. No. But to log in, you need the iPad,
5 which is with K [REDACTED].

6 Q. Doesn't the cloud device or cloud-based
7 application work in a way that if I put something on
8 here and I -- on my phone and I have it connected to
9 my other devices, I don't have to be with the device
10 for that application to show up somewhere else?

11 A. To log in to this iPad, you would need the
12 iPad, the password, and the user name.

13 Q. That's not the question though. If I --

14 A. Okay. Then I'm confused on your question.

15 Q. If you link devices, you don't have to be
16 with the other linked devices for an application
17 that you put on, say, a phone to show up on a linked
18 iPad?

19 A. Correct. This was not Bethany's iPad to
20 link to. Therefore, it had to be signed in.

21 Q. My question to you is --

22 A. You know what, if you want information on
23 linking anything --

24 Q. Right.

25 A. -- contact Apple.

1 Q. Isn't it true K [REDACTED] has an iPad in
2 Nicole -- or in Bethany's home? In other words, she
3 has two, one with Bethany and one with Nicole?

4 A. I don't know that she had two at that
5 time.

6 Q. Okay. Is it your testimony that you have
7 direct evidence that Nicole -- or, excuse me, that
8 Bethany had K [REDACTED]'s iPad and said, you know what,
9 just so everybody can see, I'm going to download an
10 application on K [REDACTED]'s iPad? I mean, is that what
11 you're saying?

12 A. I'm saying I have evidence that shows that
13 Bethany downloaded a WhatsApp app tracker and now I
14 have an iPad that has Bethany's e-mail address and
15 name on it that has a WhatsApp tracker on it, that
16 also now has a SpyTec GPS tracker on it, and I have
17 text messages where she's stating she knows where is
18 Nicole is at particular times and where Charlie is
19 at particular times of the night and what they are
20 doing and their location.

21 Q. Well, because you didn't talk to Amy
22 Johnson, who was really the now the fiance of
23 Navarro, that she was upset that her fiance was
24 cheating with Nicole, you don't know where that
25 information came from as far as her knowledge of

1 where Charlie was?

2 A. No, that came from Bethany.

3 Q. Right, right.

4 A. No, Bethany stated --

5 Q. She's saying I know where he is, but you
6 have no reason to know about what Amy was telling
7 her, do you, because you didn't interview Amy?

8 A. I believe during this time she hadn't
9 brought up Amy until afterwards. You'll have to
10 check the dates on that. But, no, during all of the
11 text messages that your client sent, she had stated
12 do you know, I do, I collected this information, I
13 had him followed, I know where he was last night,
14 and then gave an exact address.

15 Q. But you don't know what the source of that
16 information was, do you?

17 A. No.

18 Q. Okay. So my question to you about this
19 is --

20 A. But I have an iPad that has a tracker on
21 it.

22 Q. -- you're detective of -- well, a law
23 enforcement officer of a number of years. It's --

24 A. I was a detective for eight years, yes.

25 Q. Okay. You don't hold that status now?

1 A. It's not a status. It's a lateral
2 transfer when I decided to move.

3 Q. Okay.

4 A. And, yes, I do hold it. I do work sexual
5 battery cases and go in for interviews on particular
6 types of cases.

7 Q. So you know that there are electronics
8 folks you can consult that would tell you if you
9 have somebody's log-in and you have their password,
10 you can create this without being anywhere near the
11 device and make it appear as if somebody else is
12 doing these things, correct?

13 A. Right. Yes, I would agree with you there
14 except I have text messages of a client saying that
15 she actually did it and the iPad that's here.

16 Q. As to the one, not this other thing.

17 A. Well, we're still waiting on that
18 information to come back.

19 Q. Right, right.

20 So that tracking device, the SpyTec, does
21 that require some sort of secondary device to be
22 placed on a vehicle in order to actually track it?

23 A. You're going to have to call SpyTec and
24 get information from SpyTec. From the knowledge
25 I've gained, yes, she downloads the app and then

1 once you place the tracker on whomever's said
2 vehicle that was purchased, you can then get up to
3 date information on where they're going.

4 Q. So that application is a location tracker
5 based on some secondary -- you would put some sort
6 of device under somebody's vehicle, for example, or
7 in their pocketbook or wherever, right?

8 A. I would assume. I have not purchased one
9 or tracked anybody.

10 Q. Okay. You have no way of knowing in any
11 capacity whether that SpyTec software or application
12 had any linkage or connection to Nicole, correct?

13 A. No.

14 Q. Okay. Or to Navarro, correct?

15 A. I don't know because she says --

16 Q. So right now it's just an app --

17 A. No, excuse me.

18 Q. Go ahead.

19 A. I do not know because she said in her text
20 messages I am having him followed, I got a private
21 eye, and then gave locations of where he was. So,
22 no, I don't know if she had him tracked or not.

23 Q. So it's your testimony that the text
24 messages talk about surveillance of somebody, not
25 electronic surveillance, right?

1 A. Her text message talks about not only
2 having him followed, but then also knowing different
3 locations, how she got that information, also talks
4 about his medical records, also talks about a
5 background. No, I don't know how she collected all
6 of that data.

7 Q. So it could have come through his fiance
8 who he's cheating with who probably would have been
9 upset learning about Nicole?

10 A. The fiance that also texted her and said
11 please stop texting me back and trying to give me
12 information of when Nicole and Charlie are on the
13 phone together.

14 Q. Right.

15 So the bottom line is you don't have any
16 connection as far as what this app was used for. In
17 other words, electronically can you connect any
18 information either in that application to Bethany?

19 A. Not yet. I'm still waiting on a subpoena
20 from Amazon.

21 Q. So would the subpoena from Amazon tell you
22 that there was a vehicle and the GPS location of the
23 vehicle?

24 A. The subpoena from Amazon will then allow
25 me to get a search warrant to get GPS locations if a

1 tracker was placed.

2 Q. Right. Okay.

3 So did you go out and look in Charlie's
4 car or under his car or Nicole's car or anything
5 like that?

6 A. No, I did not. Nicole did state that she
7 did look to see if there was a tracker on her
8 vehicle, and due to her prior law enforcement
9 experience she did not find one.

10 Q. What do you mean by prior law -- like she
11 would know where to look?

12 A. She would know what it looks like and
13 where to look.

14 Q. Okay. So what other allegations? We have
15 e-mails and text messages, SpyTec, and the WhatsApp
16 tracker. Anything else as far as surveillance or
17 tracking that was part of your investigation?

18 A. Other than the messages, the many, many
19 multiple messages that she sent stating that she
20 knew where Charlie was, what Charlie was doing,
21 where Nicole was when nobody else knew where Nicole
22 was and who she's talking to, or the text messages
23 that she was texting somebody and she ended up
24 having to get a brand new cell phone because every
25 time she was texting somebody about a particular

1 topic, she would get a text message from Bethany in
2 reference to the same topic. Therefore, she felt
3 that her iPhone was being tracked.

4 Q. So everybody's having all these feelings
5 about things. What I'm curious about is where is
6 the information, where is the evidence that it's
7 more than a coincidence.

8 A. Oh, the evidence where she states that she
9 did place the WhatsApp tracker on her phone.

10 Q. We're past that. I'm talking about these
11 other feelings --

12 A. Okay. No, you're talking about trackers.

13 Q. No, we're beyond that. I said anything
14 else as far as evidence.

15 For example, there's a time when Nicole
16 again wants to not, I guess, provide information as
17 to where she's going with the child, she wants that
18 not to be divulged.

19 And, by the way, do you have the marital
20 settlement agreement?

21 A. No, I do not.

22 Q. Okay. Because it indicates that she's
23 supposed to provide a name or an address and a
24 location of anyplace that the child's taken, right?

25 A. Again, that's a civil matter. That does

1 not involved me.

2 Q. Right. But this --

3 A. I'm not her lawyer on civil issues.

4 Q. But isn't it true that kind of the last
5 straw was when Nicole -- or Bethany was asking where
6 Nicole was taking K [REDACTED] in December?

7 A. Not that I'm aware of, no.

8 Q. Do you have the communications from that
9 time period?

10 A. Yes, I have the phone dump from all --

11 Q. Okay. And that's not in your report, that
12 the last communication that the two of them had was
13 about their daughter?

14 A. Actually the last e-mails that she had
15 sent was not in regards to that. Hold on. Let's
16 see where those are. June 26, 2019 --

17 Q. This is -- we're talking well past that.
18 We haven't gotten to June 26 of '19?

19 A. Well, how can we be well past that then?

20 MS. REID: Is that '18?

21 THE WITNESS: No, this is 2019. This is
22 she is continuing --

23 MS. REID: January. I think you said
24 June.

25 THE WITNESS: January of 2019.

1 BY MS. KING:

2 Q. You said June.

3 A. January of 2019.

4 Q. This is after the December trip, right,
5 with Colleen?

6 A. Uh-huh.

7 Q. And in December she's asking her what's
8 the address of where you're taking her. And
9 Nicole's response is, I'm not telling you that.

10 She says, the marital settlement agreement
11 says you have to tell me that and I'm going to have
12 my lawyer contact you.

13 A. Again, that is between their lawyers. I'm
14 not a civil -- I'm not getting involved in a
15 civil --

16 Q. I'm talking about the communications
17 between Nicole and Bethany --

18 A. Okay.

19 Q. -- that triggered now the arrest warrant
20 in December.

21 A. That did not trigger the arrest warrant.

22 Q. Okay.

23 A. If I'm not aware of it, it could not have
24 triggered it.

25 Q. Then you don't have all the

1 communications.

2 A. Again, I'm looking at January 2019. You
3 were looking at December 2018.

4 Q. Right.

5 A. And I got --

6 Q. What's the date she requests the
7 restraining order? Do you have a copy of the
8 restraining order?

9 A. No, actually I do not.

10 Q. Okay. So she didn't tell you about filing
11 for the restraining order?

12 A. No, I was aware there was a restraining
13 order.

14 Q. That is actually dated the same day when
15 the lawyers contacted Nicole to say where are you
16 taking the child in the Keys?

17 A. Okay. So I --

18 Q. So Nicole didn't tell you that?

19 A. No.

20 Q. Okay.

21 A. Because my information is based on what I
22 have in the report in reference to stalking. I am
23 not a civil lawyer and I do not get involved in
24 child custody exchange cases.

25 Q. What's the date -- well, you have gotten

1 involved in it because you're saying this is all
2 about they have to communicate with each other for
3 the child, right? So that's where you're involved
4 with it.

5 What's the date --

6 A. But I'm not involved in child custody
7 exchange. Let's get that clear.

8 Q. What's the date that Nicole calls you and
9 says I've had it, this is it, let's go?

10 A. She never called me to say I've had it,
11 this is it.

12 Q. Whatever it is, wherever she changes her
13 mind and says I don't want to just do this through
14 these reports that don't go anywhere, I want to do
15 something more.

16 A. The date's in the supplemental.

17 Q. December 12th of 2018, right?

18 A. Correct.

19 Q. And she claims to you: I feel things are
20 becoming worse and I'm continually living in fear.
21 She never tells you that date, does she, that this
22 had to do with Bethany's request for an address of
23 where Nicole was taking K [REDACTED], correct?

24 A. No, she did not.

25 Q. Right.

1 She never says to you, by the way, I got
2 an e-mail from the lawyer for Bethany saying you
3 have to tell her where you're taking the child?

4 A. Again, I'm not getting involved in their
5 civil issues with the child exchange. I'm getting
6 involved with the evidence provided by the phone
7 dump with your client stalking my victim.

8 Q. But she -- this is months later she wants
9 to re-engage your work on the case, but doesn't tell
10 you about the last communication had to do between
11 her lawyer and it had to do with the daughter.

12 A. Again, that's a civil issue.

13 Q. It's not. You're indicating --

14 A. It is. My -- look at when my PC was done.
15 Look at everything that was looked back on on the
16 last of 2018. It wasn't based just on information
17 that was received in December.

18 Q. Well --

19 A. It was based on information from '17 all
20 the way through '18.

21 Q. Right.

22 Well, your last work on the case -- in
23 this one report, right, in the very first report
24 indicates you started investigating this
25 September 16th of 2017 and it ends, I think, the

1 same month, right?

2 So this is September of 2017. All your
3 work -- substance of your work is September of 2017,
4 right, in this report?

5 A. Whatever was placed into evidence was also
6 in there as well.

7 Q. Okay. Right. But -- so give me the time
8 frame from September of 2017. Is it that the next
9 time you're asked to re-engage is December 12th of
10 2018?

11 A. December 12th, 2018 she came to me in
12 reference to --

13 Q. Right.

14 A. -- saying she wanted to now move forward,
15 yes.

16 Q. So after September of 2017 to December of
17 2018, you're not aware of any problems, issues, what
18 have you?

19 A. She provided me the cell phone dump, which
20 gave me the information to move forward with the
21 stalking charges due to the information that was
22 said in those text messages.

23 Q. Right. But since September of 2017, it's
24 more than a year later, and so you had no knowledge
25 of the significance of December 12, 2018, did you?

1 A. Yes, it was a year later. She had moved
2 out. They were divorced. She was still contacting
3 her saying I love you, I want to make this work, and
4 then calling her a whore in the same breath. So
5 that --

6 Q. December 12th of 2018 --

7 A. Within that year, yes.

8 Q. I'm asking you about the trigger here, the
9 catalyst now for an arrest warrant. Were you aware
10 of the messages --

11 A. There was no trigger for me.

12 Q. Okay.

13 A. I did not have a timeline. I worked at my
14 pace until I decided to --

15 Q. Nicole comes to you on December 12th --

16 A. Yes, a victim came to me to reopen a case.

17 Q. Right. And you didn't ask her why now,
18 did you?

19 A. Because she stated in the interview she
20 could no longer live like this anymore, that now
21 that she's continuing -- she found a tracker, she
22 admitted to the WhatsApp, she had to put cameras on
23 her home, she's changing the way she drives home to
24 work because she doesn't know when your client --

25 Q. Wasn't all of that in the other report?

1 A. No. There was additional information.

2 Q. Okay.

3 A. Same with the e-mails.

4 Q. But did you ask her why in December if
5 there was anything going on in December?

6 A. Again, you would have to pull her
7 interview and in there she states she could no
8 longer live like this with Beth anymore.

9 Q. Okay. Do you have the e-mails where she
10 asked for her address and then the lawyer asked for
11 the address, and the same day that a divorce lawyer
12 asked her where are you going with Ms. Colleen Dunne
13 with this daughter, she didn't want to give her that
14 information, she files the restraining order?

15 A. Again, my information was based from 7 --
16 2017 to 2018, not just on that month of December.

17 Q. Right.

18 A. Therefore, the judge opted to move forward
19 with the allegations that then turned into a
20 probable cause affidavit, that turned into an
21 injunction, that then was handed over to the state
22 between that time frame, not just December of 2018.

23 Q. Oh, I know. But when --

24 A. And I don't want to get involved with
25 attorney-client privileges in regards to child

1 custody.

2 Q. This wasn't -- this wasn't Nicole's
3 lawyer, this was Bethany's lawyer --

4 A. Even more reason. Why would I want to get
5 involved with her lawyer?

6 Q. The point is she didn't tell you. This is
7 all on her terms.

8 A. It has no relevance.

9 Q. It does have relevance. She -- the
10 request -- the communication --

11 A. You feel it has relevance.

12 Q. -- that was like, oh, I can't stand this
13 anymore is that Bethany invoked the terms of her
14 marital settlement agreement and said I need an
15 address for where you're taking K [REDACTED].

16 A. That is between her --

17 Q. Do you have that e-mail?

18 A. I do not, again, because that's between
19 their attorneys.

20 Q. No, no, no, this is Nicole and Bethany
21 communicating. Do you have the e-mails in December?

22 A. I do not know because I have hundreds of
23 them.

24 Q. When does your -- when does your e-mail
25 exchange start and stop that Nicole gave to you?

1 A. She started e-mails in 2017, and then in
2 2019 she said they're still continuing after I've
3 asked her to stop, after the injunctions.

4 Q. So you don't have those?

5 A. I couldn't tell you how many are in here.
6 You see the pages here. There are hundreds of them.

7 Q. When's the last time that Bethany -- that
8 Nicole gave you e-mails or text messages? When was
9 the collective transfer of information to you? When
10 did it start?

11 A. There was not just one collected because
12 we started the case in 2017. There was information
13 provided in 2017. There was a cell phone dump that
14 was then done. There's e-mails that she'd
15 continuously find and would come in.

16 Everything was collected, copies were made
17 and turned into evidence. I reviewed them.
18 However, after reviewing 44,000 text messages, plus
19 the hundreds of e-mails, I'm sorry I can't recall
20 that one.

21 Q. I'm talking about in December --

22 A. I understand.

23 Q. -- when she was like all of a sudden I've
24 had enough, were you aware what was going on between
25 of two of them?

1 Because this is the part that seems a
2 little selective. Things are good, so I don't want
3 to hear -- I don't want to tell Stephanie about
4 what's going on, we'll just let it ride, things are
5 good. Things are bad, don't like the tone of
6 communication or what's happening, I'm going to
7 report it. Things are good, it's up and down.

8 If she doesn't tell you everything that's
9 going on, isn't that a concern to you if you're
10 interviewing somebody?

11 A. No, because you're making allegations that
12 every time it was bad she came to me, and she did
13 not.

14 She came to me in September 2017 and then
15 she came back to me in December of '18 with all of
16 this information that Bethany had been doing, all of
17 these text messages of her calling her names,
18 whores, stupid, dumb, 48 messages in one day,
19 provided me with that.

20 She did not come every time things were
21 bad between her to open and close this case like
22 you're implying.

23 Q. So in December --

24 A. So in December when she came, it took her
25 some time, again, to collect all the data, hence why

1 I requested a cell phone dump so I didn't have to
2 keep waiting for her to go through and find the
3 hundreds, as you can see here, pages of
4 documentation that she had.

5 Q. So it's fair to say you may not have read
6 what was going on between them around the time --

7 A. No, it's fair to say I may not recall all
8 of the information considering there's so much of
9 it.

10 Q. Okay.

11 A. So if you have a particular e-mail you
12 would like to show me, I can let you know if I can
13 recall it.

14 Q. Well, I'll just -- I'll put it there for
15 your edification around the area -- or actually the
16 same date she's files for the restraining order is
17 when she's been given directive by a family lawyer
18 for her to provide the address of where she's taking
19 her daughter and she didn't --

20 A. It still has nothing to do with the
21 information that was collected prior to that for the
22 stalking.

23 Q. Well -- okay. That's your opinion, okay.

24 If there is a motivation --

25 A. And that's your opinion.

1 Q. -- to then pull the trigger, as we say --
2 because this had been going on for so long. You
3 never communicated with Bethany to say, look, I know
4 what's going on, why don't you knock it off, right?

5 All of a sudden she's so afraid and then
6 she decides to go from zero to 60.

7 A. No, she was afraid since 2017. That's why
8 she didn't want me to contact her. So you keep
9 saying a trigger. You say trigger, I think gun
10 trigger. So --

11 Q. Well, just do me a favor, look at the
12 restraining order and the communications on the
13 dates that she files for the restraining order.

14 A. Again, it would still have no reference in
15 regards to the evidence that was provided to me
16 during '17 to '18 for stalking charges.

17 Q. If you're dealing with just any other
18 person other than one of your colleagues and
19 friends, if you're dealing with any other -- a woman
20 comes to you and says my ex-husband, we go to dinner
21 all the time --

22 A. Ma'am, I'm not gonna play what ifs.

23 Q. Well, the problem is --

24 A. I have done additional stalking cases that
25 have lasted multiple months and they've come back

1 multiple times to re-engage the case. This is not
2 the first case I've dealt with with stalking and
3 this is not the first case that dealt with where
4 victims don't want to pull the trigger the first
5 time.

6 Q. Right.

7 A. Domestic violence victims stay in for an
8 elongated period of time because they feel that they
9 can't escape or they're embarrassed or they're
10 ashamed.

11 Q. Nicole never does a no trespass order for
12 her property against Bethany, does she?

13 A. They have a child that they have to
14 exchange.

15 Q. No. See, that's where you're mixing the
16 two. You can raise children and still have
17 boundaries.

18 And fair to say in this situation Bethany
19 didn't create any boundaries other than what she
20 wanted to do when she wanted to do it, right?

21 A. That is correct, Bethany did not.

22 Q. Right.

23 And so then when she decides I am being
24 requested to give up an address for a place I don't
25 want to reveal -- which you don't know about because

1 she didn't tell you that. She didn't tell you.

2 A. Again, I still have no --

3 Q. The same day she went and talked to you
4 about this was the day she was feeling pressure to
5 reveal where she was going.

6 A. The same day that she opted to get an
7 injunction order, the judge decided that there was
8 enough evidence there to pull the trigger and move
9 forward. Therefore, that information --

10 Q. Based on your investigation, which is
11 completely one-sided, completely one-sided.

12 A. That was based on evidence that was
13 provided from the cell phone dumps. Evidence, not
14 an opinion. And not a one-sided opinion, evidence.
15 Not based on one e-mail in December of 2018. Based
16 on a year's worth of text messages --

17 Q. But why --

18 A. -- and e-mails of constant harassment.

19 Q. Why is it all of a sudden she snaps her
20 fingers and you say, okay, I'll get an arrest
21 warrant for you?

22 A. I didn't just get an arrest warrant. It
23 took me months to do that because I did a complete
24 investigation.

25 Q. But you didn't interview my client.

1 A. I didn't have to.

2 Q. But why not? Give her an opportunity to
3 explain.

4 A. I had enough evidence, which was provided
5 to me from your client, admitting that she had
6 people followed and tracked, admitting that she had
7 went to the house uninvited at certain times,
8 admitting that she's calling her and apologizing for
9 all the names and emotional destructive information.

10 Q. You don't ask Nicole shut the
11 communications down --

12 A. Oh, no.

13 Q. You're a big girl, okay, shut the
14 communications down, okay. And then you accept what
15 she tells you without saying --

16 A. No, you're not the one --

17 Q. Stalking can't work like today I'd like to
18 be communicated with 100 times and tomorrow I don't.

19 MS. REID: Is there a question? You guys
20 are arguing. But could we just limit it to
21 questions, please.

22 BY MS. KING:

23 Q. So credibly you're indicating that you've
24 had stalking victims that have come to you and said
25 now I slept with my husband six times last month,

1 but today he contacted me too many times and now I
2 want to pull the trigger and have him arrested?

3 A. No. But were you there when they slept
4 together? So you're taking her word too, right?
5 Okay.

6 Q. Okay. You don't know. You don't know, do
7 you? You don't know the nature of their
8 relationship when things were good.

9 A. No, I know based on facts and I know the
10 two times that my victim came to me and wanted to
11 move forward. I know that the judge agreed with the
12 evidence that was brought towards him, and I know
13 the state attorney agreed with the evidence brought
14 towards them. The evidence was based on a year, not
15 just one month. And, no, she did not come back to
16 me multiple times when things were bad.

17 Q. Of a woman who was partying with you at
18 your bachelorette party, okay.

19 MS. REID: Objection. Form.

20 BY MS. KING:

21 Q. So let me ask you this: You indicated
22 Bethany came to you one -- you think you had two
23 communications with Bethany total, right?

24 A. I believe it's been a while.

25 Q. Okay. And one of those times she actually

1 talked to you about Nicole, right?

2 A. Yes.

3 Q. Tell me about that.

4 A. She was crying and said that she -- and
5 again, I don't know her. So she's now divulging
6 personal information to me about Nicole that she
7 feels that she's mentally unstable and that she's
8 throwing their marriage away.

9 She was uncomfortable because the other
10 victim in Christine Braswell's car accident was
11 seeking advice and help from Nicole and was over at
12 their house. So she left and decided to go grocery
13 shopping, and in the process she's talking to me in
14 reference to --

15 Q. Wasn't she there to drop off or pick up
16 her child from your house?

17 A. Her child, yes.

18 Q. This wasn't some unsolicited, hey, I got
19 something I want to tell you, she was physically
20 with you?

21 A. She was there to drop off a child and then
22 opted to stay, which -- again, did not come into my
23 home, stayed on the outside stoop telling me about
24 her personal information that --

25 Q. Her personal problems with your friend,

1 right?

2 A. Correct.

3 Q. Okay. So what month was that?

4 A. I couldn't tell you.

5 Q. Was it close in time to the death of
6 Christine Braswell?

7 A. It was within a couple months of that,
8 yes.

9 Q. Okay. And so how did you take that? I
10 mean, what do you glean from that?

11 A. Again, I don't know her and I don't feel
12 that people need to go around to other people that
13 they don't know and air their relationship, what she
14 did. So it wasn't a concern of mine, that I did not
15 feel Nicole had mental issues that she was going to
16 harm herself or somebody else from --

17 Q. Well, you're aware that Nicole has been in
18 mental health treatment, right?

19 A. There are plenty of people that go through
20 therapy for PTSD. You don't know what she was in
21 her mental health treatment for.

22 Q. Right.

23 So if she -- if Bethany is talking to you
24 about this because she knows you're friends with
25 Nicole, isn't that possible she's actually coming to

1 you -- one, she's devastated by the loss of her
2 relationship with her and, two, she's concerned
3 about her, right? She told you that?

4 A. She came to me and a cosmetologist and
5 supervisors and everybody else she could talk to.
6 So you kind of lose your credibility of your concern
7 when you're throwing your spouse underneath the bus.

8 Q. Well, she -- how do you know about the
9 cosmetologist and all these other people?

10 A. Again, it was in the interview of Nicole.

11 Q. Right.

12 I mean, Nicole told me about this
13 interaction that Bethany had with you. What is the
14 import of that? And why, by the way, is that not in
15 your report?

16 A. What relevance does it have? Again --

17 Q. Well, you had advance knowledge, I guess,
18 of the relationship, right, having --

19 A. No.

20 Q. -- having issues?

21 A. I had advance knowledge of what Bethany
22 said was going on. I was not concerned in their
23 relationship. She was there to drop off her
24 daughter and then decided to say what she needed to
25 say and left.

1 Q. And the woman -- who's the other woman
2 that was at the house that Christine Braswell --
3 that was with Christine Braswell when she died?

4 A. Bernenda Marc.

5 Q. Is she a police officer too?

6 A. She is.

7 Q. Okay. So that's one contact that you have
8 with her. Do you give her any advice, meaning
9 Bethany?

10 A. No. I believe I sat and listened to her.

11 Q. How long was that communication?

12 A. I couldn't tell you. Maybe 20 minutes.

13 Q. So you never said at that point in time --
14 well, I guess at that point in time Nicole wasn't
15 making a complaint about the communication?

16 A. No.

17 Q. This was before all that, right?

18 A. Correct.

19 Q. Okay. There's an allegation that -- that
20 Bethany somehow had information about Amy Johnson
21 which they thought came from a booking photo. What
22 is that about?

23 A. She felt that -- she showed her a photo of
24 Amy Johnson that was, I don't know, some kind of a
25 booking photo. Where exactly are you looking and

1 I'll -- just give me a page.

2 Q. Page -- well, I can't read it here. It's
3 cut off here.

4 A. Supplemental one or two?

5 Q. It's the first report dated -- it's the
6 very first page of the report, it looks like.

7 Bethany provided Nicole with a picture of Charlie's
8 ex-fiance Amy Johnson and her address. It is
9 unknown how Bethany obtained the photograph.

10 A. Yes.

11 Q. So then I'm assuming that formed Nicole's
12 belief that there was something untoward about
13 access to databases. Is that what that's about?

14 A. That is what you have to ask Nicole,
15 again.

16 Q. So what does that fact in here -- by not
17 talking to Amy Johnson or Bethany, are you aware
18 that that photograph was obtained off social media?

19 A. No, I'm not.

20 Q. Okay. So wouldn't that actually negate
21 any sort of suspicion here that, oh, my god, she's
22 pulling photographs of somebody, we don't know how?

23 A. Well, that would also mean there would
24 need to be evidence of that.

25 Q. Evidence of what?

1 A. The social media photo.

2 Q. All right. So why wouldn't you just ask
3 Amy Johnson?

4 A. I wouldn't need to ask Amy Johnson. Amy
5 Johnson asked her to stop.

6 Q. So this could be a completely innocuous,
7 innocent situation here, right?

8 She's pulling a photograph off something
9 that's lawfully in the public domain?

10 A. Did I say that it was unlawful?

11 Q. No, but you're building kind of this --

12 A. No, I'm following information --

13 Q. -- this assumption that there's --

14 A. -- that was provided.

15 Q. Okay. So just anything that Nicole told
16 you you were going to put in this report?

17 A. No. Is anything just put in there, no.

18 Q. Well, the stuff --

19 A. Factual information based off of here was
20 put in there.

21 Q. Okay. You don't --

22 A. Enough factual information that a judge
23 and the state attorney both felt that it was enough
24 to get an injunction order and a warrant.

25 Q. But don't you agree if a judge is reading

1 this, you leave the impression with the judge that
2 this was somehow --

3 A. It's a statement.

4 Q. -- you know, obtained --

5 A. There's was a photo that was in there.

6 Q. Right.

7 A. I don't know how it was obtained.

8 Q. Oh, my god.

9 So if you were to go find that photograph
10 on social media, would you supplement your report?

11 A. Sure.

12 Q. Okay. So you don't talk to anybody else
13 but Nicole in order to make these assumptions about
14 how information was learned about other people,
15 right?

16 A. I didn't make an assumption. I made a
17 statement due to she gave me a photograph. If she's
18 going to make an implication, I'm not just going to
19 put that implication on there. She gave me a
20 photograph. I don't know how it was obtained.

21 Q. Why don't you figure out what it means?
22 Why don't you figure out what that means?

23 A. I did figure out what it all meant. It
24 meant that there was enough for a stalking charge.

25 Q. Navarro -- you would agree that any

1 allegation involving Navarro and Johnson is not pled
2 as part of this report?

3 In other words, they are not victims in
4 this case, correct?

5 A. Amy had asked your client to stop texting
6 and e-mailing her. So --

7 Q. You're misconstruing my question.

8 A. I'm answering it.

9 Q. Amy Navarro -- or Amy Johnson and Charles
10 Navarro are not listed victims in this case, are
11 they?

12 A. They are not.

13 Q. Are they even listed as witnesses in this
14 case?

15 A. They are not.

16 Q. Okay.

17 A. They are listed in the supplemental as
18 individuals that were involved that Bethany had made
19 contact with or stated herself had followed or
20 there's e-mail -- text messages between her and Amy
21 where Amy is saying please stop texting me.

22 Q. Right. Again, that's hearsay.

23 A. I guess I could reach out to Amy and see
24 if she wants to make a stalking charge too since she
25 had to ask for your client to please stop texting

1 her.

2 Q. So can you give us the address for Amy
3 Johnson and Charles Navarro as they are witnesses in
4 this case?

5 A. I cannot, not right now. I would have to
6 go through this entire thing to find them.

7 Q. Okay. So you have their addresses?

8 A. They would be in one of our systems if I
9 needed it, yes.

10 Q. Fair to say Charlie Navarro never lived
11 with Nicole?

12 A. I'm not aware of that, no.

13 Q. You would know that, wouldn't you?

14 A. No, I would not know that. I don't know.

15 Q. Did Nicole ever tell you that Charlie
16 Navarro was living with her?

17 A. She did not.

18 Q. Okay. Let me just see if I have any other
19 questions.

20 Anything else you want to add to your
21 statement that you feel you want to clarify or
22 expand on? Actually more clarification?

23 A. No.

24 Q. Under oath?

25 A. No.

1 Q. The new chief, what is his or her name?

2 A. Chief Sims.

3 Q. What's the first name?

4 A. Jabarro [sic].

5 Q. How do you spell that?

6 A. J-A-B-A-R-R-O [sic].

7 Q. S-I-M-S?

8 A. Yes.

9 Q. Have you briefed Chief Javaro Sims about
10 this?

11 A. Yes.

12 Q. When did you speak to Javaro Sims about
13 this?

14 A. Probably -- maybe two to three weeks ago.

15 Q. And what did you tell the chief?

16 A. He had informed me that he was speaking
17 with one of the commanders at Palm Beach Gardens and
18 I had informed him that everything was done and the
19 case was turned over into evidence and was
20 documented if anybody wanted to view it.

21 Q. Who was the commander of Palm Beach
22 Gardens he was speaking with?

23 A. You would have to ask him. I don't recall
24 the name.

25 Q. Were you meeting with Javaro Sims

1 personally or in some other capacity? Over the
2 phone? E-mail?

3 A. He had came to my office for a different
4 reason. He was having a meeting with another
5 individual and we spoke briefly while he was there
6 in person.

7 Q. And what was the questions or conversation
8 he had with you?

9 A. Exactly what I just explained.

10 Q. So what did he ask you?

11 A. He had said that he had had a meeting with
12 one of the command -- or a phone call or something
13 with one of the commanders in Palm Beach Gardens,
14 and I explained to him that everything was placed
15 into evidence and the case was, you know, turned
16 over if anybody needed to view it as far as my
17 command staff.

18 Q. Did you provide the information to him?

19 A. No.

20 Q. Okay.

21 A. I told him it was in evidence if he needed
22 it.

23 Q. How long did that conversation last?

24 A. Maybe ten minutes max, five, ten minutes.

25 Q. Did he indicate whether the Gardens

1 officer contacted him or vice versa?

2 A. He did not.

3 Q. Do you know any of the Gardens officers
4 other than Bethany?

5 A. I do not.

6 Q. Anybody else you've spoken to about the
7 case that we haven't mentioned?

8 A. Not that I'm aware of.

9 Q. Okay. I would ask when the information is
10 returned from Amazon or wherever that you
11 immediately supplement -- and, by the way, I see a
12 DAVID report there. Who's the DAVID report on?

13 A. That's of Bethany to get her information.

14 Q. Okay. If there's some sort of internal
15 affairs process, who's running that department now?

16 A. Lieutenant Scott Privitera.

17 Q. How do you spell that?

18 A. P-R-I-V-I-T-E-R-A.

19 Q. P-R-I-B-A-T-E --

20 A. P-R-I-V-I-T-E-R-A.

21 Q. Thank you.

22 A. Uh-huh.

23 MS. KING: All right. We're done.

24 MS. REID: I have a few.

25 CROSS-EXAMINATION

1 BY MS. REID:

2 Q. Are you available for the May 21st, 2018
3 injunction hearing?

4 I'm sorry, 2019, May 21st, 2019 at 1:30?

5 MS. KING: I think you're under subpoena
6 for it anyway. Yes, she is.

7 THE WITNESS: I don't know if I have
8 vacation that day or not. I'm going out of
9 town.

10 BY MS. REID:

11 Q. Did you receive a subpoena for that day?

12 A. I'd have to take a look, but sometimes
13 they'll turn around and let them know that I'm out
14 of state or -- let's see here. May 21st, a Tuesday,
15 I'm good.

16 Q. You'll be there?

17 A. Yup.

18 Q. At 1:30?

19 A. Yup.

20 Q. Okay. So in light of the fact that you've
21 just indicated that you're an available witness for
22 May 21st at 1:30, I'm not going to cross-examine you
23 now. But if there is a point that you discover that
24 you're not going to be there for May 21st, you'll be
25 unavailable witness and I ask that you contact us

1 and let us know that so that I can conduct your
2 cross-examination. Do you understand that?

3 A. I do understand.

4 MS. REID: Okay. Thank you.

5 I have nothing further of this witness.

6 MS. KING: I have her under subpoena.

7 MS. REID: I know, but you know how that
8 goes. I have nothing further. Thanks.

9 (Witness excused.)

10 (The deposition was concluded.)

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CERTIFICATE OF OATH

THE STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I, Beth L. Kelly, Florida Professional
Reporter, Notary Public, State of Florida, certify
that STEPHANIE BAKER personally appeared before me
on the 6th day of May, 2019, and was duly sworn.

Signed this 14th day of May, 2019.



BETH KELLY
MY COMMISSION # FF 940331
EXPIRES: January 7, 2020
Bonded Thru Budget Notary Services

Beth L. Kelly, FPR

1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA)
COUNTY OF PALM BEACH)
4

5 I, BETH L. KELLY, Florida Professional
6 Reporter, certify that I was authorized to and did
stenographically report the deposition of STEPHANIE
7 BAKER; that a review of the transcript was
requested; and that the transcript, Pages 1 through
8 159, is a true and complete record of my
stenographic notes.

9 I further certify that I am not a
10 relative, employee, attorney, or counsel of any of
the parties, nor am I a relative or employee of any
11 of the parties' attorney or counsel connected with
the action, nor am I financially interested in the
12 action.

13 The certification does not apply to any
reproduction of the same by any means unless under
14 the direct control and/or direction of the reporter.

15 Dated this 14th day of May, 2019.

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18 _____
Beth L. Kelly, FPR
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Pleasanton, Greenhill, Meek & Marsaa
330 Clematis Street, Suite 208
West Palm Beach, FL 33401
(561) 833-7811

MAY 14, 2019

STEPHANIE BAKER
DELRAY BEACH POLICE DEPARTMENT
300 West Atlantic Avenue
Delray Beach, FL 33444

RE: NICOLE GUERRIERO vs. BETHANY GUERRIERO

Dear Ms. Baker:

This letter is to inform you that your deposition taken on MONDAY, MAY 6, 2019, in the above-captioned matter, has been completed and is ready for you to read and sign.

The transcript is being held in my office. Please make arrangements with my office to read and sign your deposition.

Thank you for your cooperation and prompt attention to this matter.

Sincerely,

PLEASANTON, GREENHILL MEEK & MARSAA



BETH L. KELLY, FPR

cc: Nellie King, Esq.